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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 3rd July, 1963 :—

Issue No.	No. and Date	Issued by	Subject
115	S.O. 1794 and 1795, dated 25th June, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
	S.O. 1796, dated 25th June, 1963.	Do.	Corrigendum to S.O. 1387, dated 18th May, 1963.
117	S.O. 1797, dated 25th June, 1963.	Ministry of Finance	Rescinding S.O. 3644, dated 29th November, 1962.
	S.O. 1798, dated 25th June, 1963.	Do.	Amendments to the bye-laws of the Calcutta Stock Exchange Association Ltd.
118	S.O. 1799, dated 25th June, 1963.	Do.	Scheme further to amend the Emergency Risks (Factories) Insurance Scheme.
	S.O. 1800, dated 25th June, 1963.	Do.	Scheme further to amend the Emergency Risks (Goods) Insurance Scheme.
119	S.O. 1801, dated 27th June, 1963.	Ministry of External Affairs.	The Government of Union Territories (Removal of Difficulties) Order, No. 2.
120	S.O. 1802, dated 23th June, 1963.	Election Commission, India.	Designating District Election Officer, as Electoral Registration Officer for inner and outer Manipur Parliamentary Constituencies.
121	S.O. 1803, dated 29th June, 1963.	Ministry of Home Affairs.	Imposition by the New Delhi Municipal Committee duty on sale of property etc.
122	S.O. 1804, dated 1st July, 1963.	Ministry of Steel and Heavy Industries.	Notification in respect of some of the items of Base prices—mentioned therein.
123	S.O. 1805, dated 1st July, 1963.	Ministry of Finance	Calling in certain coins and other directions.

Issue No.	No. and Date	Issued by	Subject
124	S.O. 1806, dated 1st July, 1963.	Ministry of External Affairs.	The Government of Union Territories (Removal of Difficulties) Order No. 3.
125	S.O. 1807, dated 1st July, 1963	Ministry of Home Affairs.	Appointing 1st July, 1963, from which the Consolidated Fund of the Union Territory of Himachal Pradesh shall come into existence.
	S.O. 1808, dated 1st July, 1963	Do.	Appointing 1st July, 1963, from which the Consolidated Fund of the Union Territory of Manipur shall come into existence.
	S.O. 1809, dated 1st July, 1963	Do.	Appointing 1st July, 1963, from which the Consolidated Fund of the Union Territory of Tripura shall come into existence.
	S.O. 1810, dated 1st July, 1963	Do.	Determining the expenditure of the Administrator of Himachal Pradesh.
	S.O. 1811, dated 1st July, 1963	Do.	Determining the expenditure of the Administrator of Manipur.
	S.O. 1812, dated 1st July, 1963	Do.	Determining the expenditure of the Administrator of Tripura.
	S.O. 1813, dated 1st July, 1963	Do.	Determining Hill areas of Manipur and specifying constituencies of the same.
126	S.Os. 1814-1816, dated 1st July, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
127	S.O. 1817, dated 1st July, 1963	Ministry of Steel & Heavy Industries.	Amendment to selling prices of Schedules IV and VI—Prime quality Steel and Semis etc.
128	S.O. 1898, dated 2nd July, 1963.	Ministry of Commerce and Industry.	Relaxation of Coir Industry Act, 1953, for the export of Coir fibre etc.
129	S.O. 1899, dated 3rd July, 1963	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of Pondicherry to elect a person to fill a vacancy in the Council of State.
	S.O. 1900, dated 3rd July, 1963	Do.	Appointing dates for making nominations etc. for the election referred to in S.O. 1899 above.
	S.O. 1901, dated 3rd July, 1963.	Do.	Designating Shri J.M. Benoit, Under Secretary, A.P.L.S. Department, Pondicherry, to be the Returning Officer for the election referred to in S.O. 1899 above.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1902, dated 3rd July, 1963.	Election Commission, India.	Appointing Shri R. Ananthachary, Special Officer (Elections), to assist the Returning Officer for the election referred to in S.O. 1899 above.
	S.O. 1903, dated 3rd July, 1963.	Do.	Fixation of hours for polling for the election referred to in S.O. 1899 above.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 29th June 1963

S.O. 1910.—In pursuance of clause (b) of Sub-section (6) of Section 116-A of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment of the High Court of Gujarat at Ahmedabad pronounced on the 27th March, 1963, on the appeal from the order, dated the 3rd October, 1962 of the Election Tribunal, Ahmedabad.

APPEAL NO. 603 OF 1962 FROM ORIGINAL DECREE.

Patel Chhotabhai Desaiabhai. (Orig. Petitioner)—Appellant.

.. Versus

1. Narendrasinhji Ranjitsinhji Mahida and another. (Orig. Respondents Nos. 1 and 2)—Respondents.

First Appeal against the decision of N. K. Vakil, Esquire, Member Election Tribunal at Ahmedabad in Election Petition No. 216 of 1962.

Mr. Rajni Patel with Mr. H. K. Thakore, Advocate for the Appellant

Mr. B. K. Amin, Advocate for the Respondent No. 1.

Mr. N. K. Patel, Advocate for the Respondent No. 2.

CORAM: K. T. DESAI, C. J. & MODY. J
27/3/1963

ORAL JUDGEMENT: (Per Desai, C. J.):—

This is an appeal from the decision of the Election Tribunal at Ahmedabad given on the 3rd October, 1962, dismissing the election petition filed by the appellant before us and directing the appellant to pay to the respondent No. 1 a sum of Rs. 500/- by way of costs. The appellant before us, who is hereinafter referred to as "the petitioner", was an elector in the Anand Parliamentary Constituency in the Kaira District. The first respondent to the appeal, being the first respondent to the election petition, was the candidate sponsored by the Swatantra Party at the last general election held in the month of February 1962 for electing a member of the House of the People from the Anand Parliamentary Constituency. The second respondent was the candidate sponsored by the Indian National Congress at the said election. The polling took place at various places between the 21st of February

1962 and the 25th of February 1962. The votes were counted and the result of the election was declared on the 1st of March, 1962, the first respondent being declared to have been elected at the said election, having secured 1,69,116 votes as against 1,46,387 votes secured by the second respondent. The petitioner filed a petition challenging the validity of the election of the first respondent and praying for a declaration that the election of the first respondent be declared void and that the second respondent be declared elected or that a fresh election be directed to be held. The petitioner has in the petition set out what according to him were the acts of corrupt practice committed by the first respondent and by the agents of the first respondent with his consent. Amongst the various corrupt practices alleged to have been committed as aforesaid, one of the corrupt practices complained of was the use of a religious symbol or an appeal to a religious symbol for the furtherance of the prospects of the election of the first respondent. The Election Commission had reserved the symbol of a star as the symbol for the Swatantra Party. The first respondent being a candidate sponsored by the Swatantra Party, the Election Commission gave to him the symbol of a star. The petitioner has contended that the first respondent and his agents acting with his consent, have instead of using the symbol of a plain star for the purpose of the election as given by the Election Commission, used the symbol of " " i.e., the Star of Dhruva and appealed to the Star of Dhruva and that they have thereby used a religious symbol appealed to a religious symbol for the furtherance of the prospects of the first respondent's election and have been guilty of corrupt practices which would justify the election of the first respondent being declared to be void.

Several documents have been exhibited in the case and evidence of several witnesses have been led in this connection. Exhibit B. 2 in this case is the election manifesto, printed and published by the Swatantra Paksha, i.e., the Swatantra Party. On the back cover of the manifesto, it has been printed in bold letters that the election symbol of the Swatantra Paksha i.e., the Swatantra Party, was @ " * * * " i.e., the Star of Dhruva. Underneath the same are the words " " (Dhruva etale sanatana) i.e., Dhruva means eternal " * * * " (Dhruva etale adag) i.e., Dhruva means firm " * * * " (Dhruva etale Margadarshak) i.e., Dhruva means guide, @ " * * " " * * " (Dhruva etale Kruinischay) i.e., Dhruva means determined or one who has made a firm determination, and " " (Dhruva etale dharmapriya) i.e., Dhruva means one devoted to religion. Thereafter appear the words:

@ * * * * *

These words when translated mean "for free religion, free agriculture and free commerce, vote for none else but for 'Dhruva tara' i.e., Swatantra Paksha at the coming election". There is also a leaflet Exhibit B-6 which has been referred to in the course of the evidence as having been printed and published by the Swatantra Party and having been distributed. In the leaflet, Exhibit B-6, the aforesaid matter which appears at the back of the election manifesto has been repeated. Evidence has been led on behalf of the petitioner of Jashbhai Somabhai Desai, the manager of the Universal Press, at which Exhibit B-2, being the election manifesto, and the leaflet Exhibit B-6, had been printed. In the course of his evidence he stated that the matter was given to him for being printed, by Natwarsinhji Solanki, who was the organising Secretary of the Gujarat Swatantra Party. He stated that 7000 copies of the election manifesto Exhibit B-2 were printed and that the amount of the bill in respect thereof was paid by Natwarsinhji Solanki. He produced a duplicate of the bill which he had submitted in connection with the printing charges for the same. He also produced duplicates of three bills (being Exhibits 113, 116 and 118) showing that 30,000 copies of the leaflet Exhibit B-6 were printed. He has stated that the amounts of the bills had been paid to him by Ratansinh Raval, a cashier of the Swatantra Paksha at the office of the Swatantra Paksha. His evidence has remained unchallenged. The petitioner has also given evidence in the case, his evidence being Exhibit 128. In the course of his evidence he has stated that the members of the Election Campaign Committee for the Anand Taluka of the Swatantra Party were Natwarsinhji Solanki, Bhagwansingji Chhastia and Chimanbhai Desai, that Chimanbhai Desai was the election agent for respondent No. 1 and that the workers acting on behalf of the first respondent used to distribute amongst others, leaflets Exhibit B-6.

The first respondent himself has given evidence, his evidence being Exhibit 137. He has stated that he used to go round the places within his constituency for the election campaign and that he had attended about 100 to 150 meetings during the

campaign. He admitted that he had seen Exhibit B-2 and Exhibit B-6 being distributed. He admitted that though the emblem of the Swatantra Paksha was a star and though at other places throughout India the Swatantra Paksha had referred to the emblem as that of a star, the Gujarat Swatantra Paksha had referred to it as " " " " (i.e., the Star of Dhruva). In the course of his evidence his attention was drawn to the matter which is printed on the back cover of Exhibit B-2 the election manifesto. In connection with the various words used in connection with Dhruva on the back cover of the said election manifesto, he has stated as under :—

"Even in our speeches we make use of these words to indicate the special mark or marks for the star of Dhruva. These words were used by the Swatantra Paksha of Gujarat."

He admitted that the election manifesto was published by the Swatantra Paksha of Gujarat. In the course of his cross-examination he has stated as under :—

"I accept that B-2 was the manifesto of the Swatantra Paksha and therefore it was my manifesto also."

Chilmanbhai Dadubhai Desai, the election agent of the first respondent, has given evidence on behalf of the first respondent his evidence being Exhibit 138. In the course of his evidence, he has stated that he had done the work of propaganda on behalf of the first respondent, that at some of the meetings held for election purposes, respondent No. 1 was present, that he had seen the election manifesto Exhibit B-2, that the emblem of the Swatantra Paksha was a star and that he had noticed that in some of the leaflets the emblem was shown as " * * * " (i.e., the Star of Dhruva). The first respondent has also led the evidence of Natwarsinhji Kesarisinhji Solanki, his evidence being Exhibit 139. In the course of his evidence he has stated that since September 1961 he was the organizing secretary of the Swatantra Paksha, that his main work till the time of the election was to see that the objects and aims of the Swatantra Paksha were duly published, that he used to do so by holding meetings, distributing leaflets and by personal contacts with the local leaders, that the main work which he attended to was the carrying on of propaganda, on behalf of the Swatantra Paksha and for that purpose he had prepared propaganda literature, that he used to send this literature to the candidates of the Swatantra Paksha and the members of the election campaign committee, that he never used to take the consent of anyone in preparing this propaganda literature, that none of the candidates of the Swatantra Paksha had taken any objection to such propaganda literature and that among other documents Exhibits B-2 and B-6 were prepared by him and the same were distributed. He admitted that the symbol of the Swatantra Paksha was the star and that in some of the leaflets this symbol was shown as " * * " (i.e., the Star of Dhruva). He stated that he had used the word "Dhruva" with the intention of specifying the star and thereby to show that the Swatantra Paksha had the qualities which the Star of Dhruva possessed. He has further stated that he had sent in the Anand Parliamentary Constituency the leaflets which had been prepared and published. Chan-shyam Chunalal, who had worked for the Swatantra Party in the last election has also given evidence, his evidence being Exhibit 142. He stated that he had done propaganda work by distributing leaflets and by personal contacts and that he had distributed Exhibit B-2 the election manifesto. Several witnesses who were called on behalf of the first respondent have admitted that the election manifesto, Exhibit B-2 and the leaflet, Exhibit B-6, were distributed at various places in the Anand Parliamentary Constituency. The learned Judge has, in the course of his judgement, stated that among other documents Exhibits B-2 and B-6 had been proved to have been published and circulated with the consent or knowledge of the respondent No. 1. There is ample evidence on the record to show and we hold that the election manifesto, being Exhibit B-2, as well as the leaflet, Exhibit B-6, were distributed in the Anand Parliamentary Constituency with the knowledge and consent of the first respondent.

Various witnesses have given evidence in this case in connection with the question whether the election symbol as used by the first respondent was a religious symbol and whether appeals were made in the name of such symbol. Evidence has been given in connection with what Dhruva stands for and in connection with the mythological religious personage Dhruva and the place which Dhruva occupies in religious literature and in the beliefs of a section of the Hindu community. It is not necessary to set out in detail all that has been deposed to in this connection or what appears in the religious literature on the subject. We have considered in great detail and at some length what Dhruva stands for and what appeal Dhruva

has, in Appeal No. 428 of 1962 after a reference to Shrimad Bhagwat, Vishnu Puran and Maha Bharat. For the reasons given in the judgment in that appeal, which is hereto annexed and marked "A" which we incorporate by reference in the present judgment, we hold that the symbol " " ("Dhruva no taro") (i.e., the Star of Dhruva) is a religious symbol. We have held in that case that according to the beliefs of a large section of the Hindu community, Dhruva the great religious personage, is himself the Star of Dhruva, that Dhruva is not a name given to an existing star, that it is not a place to which the religious personage Dhruva ascended and that what is now seen as the Star of Dhruva is Dhruva, the religious personage himself. We have further held that according to their belief, the very invoking or taking of the name of Dhruva and the narration of his doings and even the act of listening to such narration, is regarded as pious and as destructive of sin and as leading to heaven. There is ample evidence in this case to show that this religious symbol has been used and that appeals have been made to this religious symbol for the furtherance of the prospects of the election of the first respondent and that such use and such appeals have been made by the first respondent and by other persons with his consent and that corrupt practices within the meaning of section 123(3) have been committed. We hold that it is established beyond any doubt that such corrupt practice has been committed by the first respondent and by other persons with his consent and that the election of the first respondent is liable to be declared as being void.

Mr. Rajni Patel, the learned advocate for the appellant, had urged that the first respondent was guilty of corrupt practice falling within section 123(3) by reason of the printing and publication of another leaflet, being Annexure A and by reason of the publication of Exhibit 83. It is not necessary for us to consider whether such corrupt practice has been committed or not in view of the fact that we hold that the election of the first respondent is liable to be set aside on the ground of the corrupt practice referred to by us above.

There are other grounds urged for declaring the election to be void. In view of the fact that we hold that corrupt practice as aforesaid has been committed by the persons referred to above, it is not necessary for us to examine the other grounds urged for the purpose of declaring the election of the first respondent to be void.

In the result, we set aside the order of the Election Tribunal and pass an order declaring the election of the first respondent to be void on the ground of corrupt practice within the meaning of section 123(3) committed by the first respondent himself and by other persons with his consent.

In view of the fact that the Election Tribunal which dealt with the matter is *functus officio*, Mr. Rajni Patel, the learned advocate appearing on behalf of the appellant, has not pressed the question of given notice to Natwarsinhji Solanki for action being taken under section 99 of the Representation of the People Act, 1951, for naming him as the person who had been proved at the trial to have been guilty of corrupt practice.

As regards costs, we consider that the fair order to make would be to direct that the first respondent to pay to the appellant a sum of Rs. 500/- by way of costs incurred before the Election Tribunal and a sum of Rs. 1000/- by way of costs of the appeal before us and we order accordingly. The second respondent will bear and pay her own costs throughout.

We direct that the substance of the decision be communicated forthwith to the Election Commission and to the Speaker of the House of the People and that an authenticated copy of the decision be sent to the Election Commission.

By Order of the Court,

Sd/- R. L. DAVE,

16-5-63.

Deputy Registrar.

ANNEXURE A

APPEAL NO. 428 OF 1962 FROM ORIGINAL DECREE

Ramanbhai Ashabhai Patel.—Appellant.

(Org. Respondent No. 1).

Versus.

1. Dabhi Ajitkumar Fulsinhji and two others.—Respondents.

(Org. Petitioner and Respondents
Nos. 2 and 3 respectively.)

First Appeal against the decision of T.U. Mehta, Esquire, Member of Election Tribunal at Nadiad in Election Petition No. 219 of 1962.

Mr. J. M. Thakore, with Mr. B. R. Shah, Advocate for the Appellant.

Mr. C. T. Daru, Advocate for the Respondent No. 1.

Mr. B. K. Amin, Advocate for the Respondent No. 2.
Respondent No. 3 served.Coram: Desai, C. J. & Mody, J.
11th/12th March, 1963.

Oral Judgment.—(Per Desai, C. J.):—

This is an appeal from the decision of the Election Tribunal, Nadiad, given on the 10th of September, 1962, setting aside the election of Ramanbhai Ashabhai Patel to the Gujarat Legislative Assembly from Uttarsanda constituency. Ramanbhai Ashabhai Patel, the appellant before us, who was the first respondent before the Election Tribunal, is hereinafter referred to as "the Swatantra Party candidate". The first respondent in this appeal Ajitkumar Fulsinhji Dabhai who was the petitioner before the Election Tribunal, is hereinafter referred to as "the Congress candidate". The second respondent in this appeal Amarsinhji Bhupatsinhji Vaghela who was the second respondent before the Election Tribunal, is hereinafter referred to as "the Independent candidate."

On 13th January, 1962, a notification was issued under section 15(2) of the Representation of the People Act, 1951, directing that a general election be held for the purpose of constituting a new Legislative Assembly for the State of Gujarat. By the said notification, the Governor called upon all the Assembly constituencies in the State of Gujarat to elect members in accordance with the provisions of the Representation of the People Act, 1951, and rules and orders made thereunder. On the same day, another notification was issued under section 30 of the aforesaid Act whereunder the Election Commission notified various dates for various purposes. Among the dates so notified was the date for the scrutiny of the nomination papers, the date being the 22nd January, 1962. It appears that the Swatantra Party at first intended to sponsor the candidature of the second respondent from the Uttarsanda constituency. However, on 19th January, 1962, the Swatantra Party did not give a ticket to the second respondent, but gave the same to the appellant whereupon the appellant stood for election on the Swatantra Party candidate from the said constituency. The second respondent thereupon stood for election as an Independent candidate from the said constituency. The first respondent before us stood for election as a Congress candidate from the said constituency. On 22nd January, 1962, being the date fixed for the scrutiny of the nomination papers, the Returning Officer accepted the nomination of all the aforesaid three candidates for election from the said constituency. The polling took place on the 21st February, 1962, and on the 26th February, 1962, the result of the election was declared by the Returning Officer. The Returning Officer found that the Swatantra Party candidate had secured 20,062 votes, the Congress candidate had secured 15,190 votes, and the Independent candidate had secured 7,937 votes, and he declared the Swatantra Party candidate to have been elected at the said election. The Congress candidate being aggrieved by the result declared as aforesaid, filed a petition praying that the election of the Swatantra Party candidate be declared void for diverse reasons and that he, the Congress candidate, be declared elected and/or a fresh election be directed to be held, and for costs of the petition.

One of the contentions urged before the Election Tribunal was that the Independent candidate was not qualified to stand for election and that the result of

the election had been materially affected by reason of his being allowed to stand for the election. Article 173 of the Constitution provides *inter alia* as under:—

"A person shall not be qualified to be chosen to fill a seat in the legislature of a State unless he * * * * *

(b) is, in the case of a seat in the State Legislative Assembly, not less than 25 years of age."

Section 36 of the Representation of the People Act, 1951, provides *inter alia* as under:—

"36. Scrutiny of nominations.—(1) on the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:—

Article 84, 102, 173 and 191.

* * * * *

It is not disputed that in order to be duly qualified to stand for election, a candidate must have attained the age of 25 years on the date fixed for the scrutiny of the nomination papers, i.e., on 22nd January, 1962, in the present case. It was urged on behalf of the Congress candidate that the Independent candidate was born on the 11th April, 1937 and that he had not completed the age of 25 years on 22nd January, 1962. On the other hand, it was contended on behalf of the Swatantra Party candidate that the Independent candidate was born on the 6th January, 1937, and that the Independent candidate had attained the age of 25 years prior to 22nd January, 1962, and was duly qualified to stand for election. The Election Tribunal came to the conclusion that the Independent candidate had been born "somewhere in the beginning of the month of April, 1937 and that he had not attained the age of 25 years on the date of the scrutiny and was not qualified for standing as a candidate. The Tribunal held that the case fell within the ambit of section 100(1) (d) (iv) of the Representation of the People Act, 1951, inasmuch as the result of the election in so far as it concerned the Swatantra Party candidate who was the returned candidate, had been materially affected by the non-compliance with the provisions of the constitution by the Independent candidate, and declared the election of the Swatantra Party candidate to be void.

The controversy before us has centered round the question whether the Independent candidate had or had not attained the age of 25 years on 22nd January, 1962, being the date of scrutiny. The principal document that was relied upon on behalf of the Congress candidate was Exhibit 63, being an entry from the Births and Deaths Patrak of the year 1937, of the village Chalkasi, Taluka Nadiad, District Kaira. The entry runs as follows:—

Serial No.	Date	Sex (Jati)		Name of the born child		Father and Grand-father's name	Caste Endorsement
		Male	Female				
0	11-4-37	1	0	0	Bhupat Singh Dhralu Dhulaji		in Ragipura.

For the purpose of proving this entry, evidence was led of Jayantilal Tribhovandas, a clerk working in the Mamlatdar's office, and of Rambhai Somabhai Patel who was the Police Patel of Chaklasi village from the year 1936 to the year 1943. The evidence of Jayantilal Tribhovandas is Exhibit 65 in the proceedings. He produced the Birth and Death Patrak of Chaklasi village for the year 1937. The evidence of Rambhai Somabhai Patel is Exhibit 72. In his evidence he stated that he was maintaining the Birth and Death Patrak for Chaklasi village during his tenure as Police Patel. He stated that entry under serial No. 50 in the register was written in his hand. In the course of his cross-examination on behalf of the Swatantra Party candidate, he stated that the original Birth and Death Patrak in which entry No. 50 appeared, pertained to the village of Chaklasi, that Raghupura, the place at which the Independent candidate was born, was at a distance of one and a quarter mile from Chaklasi, that in the register the second column was with regard to date and that the dates noted in the register under that column were the dates of births. He stated that most of the people used to come to him for getting the births noted in the register immediately after the birth "but some came about five to seven days after the birth". He thereafter proceeded to state as under:—

"The procedure with me was that the Ravanias would move round the village. They are supplied with a book wherein they note down the birth at a particular place while moving round the village. * * * * * Ravanias would note down the date of birth in a small Note book which would be blank. I would note down from that note daily at the 'Chora'. That Note book remains with the Revania even if it is completed. * * * * * I was taking down in the birth register from the notes of the Ravanias and as well as from the information which was directly supplied to me about these births. * * * * * I was inquiring about the actual date of birth from the persons who gave direct information about the birth a few days after the birth had actually taken place. This birth and death register was being noted by me daily. There is no column in our register stating on what date the information about a birth was supplied to me. I only noted down the date on which the birth had taken place. After seeing every page of the birth register I say that the dates of all the births noted in this register are completely in chronological order of dates. I say that 2nd column in this register is with reference to the births."

He was further cross-examined and the question following was put to him:—

"If the dates mentioned in the birth register are the dates of birth and if the informations do not come to you to give information of births, soon after the birth has taken place, the dates mentioned in this register would not be in chronological order in some cases. What explanation have you to give for this?"

In reply he stated:—

"I have no explanation to give."

He further stated that in the register the name of the informant was not mentioned nor was his signature taken. He admitted that there was no law under which a person not giving information about a birth or a death in the family within a particular time was liable to be punished and that people could legally give information about a birth or death at any time they liked.

On behalf of the Swatantra Party candidate, evidence was led of Fakirbhai Fulabhai Patel, who was the Police Patel of village Chaklasi from 1947 to 1952. His evidence is marked as Exhibit 171. In the course of his evidence, this witness stated that he was the Police Patel at Chaklasi just after Rambhai Somabhai, that there were 'Pares' round about the village Chaklasi, that these "paras" were 5 to 7 in number, that all these "paras" were within the radius of two miles from Chaklasi, that if there was any birth or death either in Chaklasi or in any of the "paras", the same was noted at Chaklasi, that the practice was that Ravanias moved in the village and "para" for various types of works and brought/reports of births and deaths and gave those reports to the Mukhis to make a note thereof in the register, and that no body came to the Police Patel for getting a birth or death noted in the register. He further stated that when a birth had taken place, the actual date of the birth was not known but the date on which the Revania reported the matter to the Mukhi was noted in the register. In his evidence in Chief he stated that he was against the Congress and in favour of the

Swatantra Party. In his cross-examination on behalf of the Congress candidate he stated as follows:—

“Ravaniyas do not bring the date of births and deaths and therefore we note down the register only on that day on which day the information is given to us.”

He further stated that the Ravaniyas wrote down the information on loose pieces of paper which were subsequently not preserved, that the real intention behind keeping the register of births was to keep the records of correct dates of births but the said-intention was not fully carried out in villages. He further stated that when the witness Rambhai Somabhai was the Police Patel, Ravaniyas were four in number, that Ravaniyas would visit different places at any time between four days to a month and that parents or the members of the public never came personally to get the birth registered during the period he was the Police Patel of the village. In the register of births and deaths under the second column all the dates are mentioned in chronological order. The dates so mentioned do not indicate the dates of births, but show the dates on which the entries had been made. In the course of its judgment, the Election Tribunal, in dealing with this aspect of the matter has observed as follows:—

“But the fact remains that, according to the Police Patel, who has made this entry, the dates in the second column are not mentioned immediately after the birth has taken place. Under these circumstances, if these dates are the dates of birth, then they would not be written in a perfect chronological serial order as is found in the register in question. This is quite obvious because the subsequent report about a birth which has taken place prior to the last entry would not be always in harmony with the sequence of dates. If a reference is made to the register, it will be found that all the dates in the second column are in complete harmony of sequence and, therefore, the only presumption would be that these are the dates of the reports given by the Ravaniyas about the event, and not of the event itself. In my opinion,—therefore, it cannot be said beyond doubt that 11-4-37 is the actual date of the birth of the second respondent.”

The Birth and Death Patrak is shown to us and we are in full agreement with the observations of the learned Judge that the dates mention therein are not the dates when the births took place. We are of the view that the dates shown therein represent the dates when the entries were made. This Birth and Death Register is maintained in Village Form No. 14 which appears in the Manual of Revenue Accounts of the Village, Talukas and Districts of the Bombay State by F. C. Hartnell Anderson. We have not before us the manual which was in existence at the relevant time. The manual shown to us is the fifth edition thereof. It was printed in the year 1951. From the village form as appearing in the manual, it is apparent that what was really required to be entered under the head “Date” in connection with births in the second column of the form was the date of birth and that the said column was not really intended for showing the date on which the entry was made. In order to indicate the same in this edition of the manual, entries are shown to have been made without chronological sequence of dates. Entry bearing serial No. 4 shows the date 16th February whilst entry No. 5, which is subsequent entry, shows the date 10th January. Unfortunately, the intentions of those who drafted the form have not been carried out in the present case, with the result that the register of births and deaths does not contain the most material information about the date of birth which it was intended to provide. In the 5th Edition of the Manual of Revenue Accounts, at pages 100 and 101 are the remarks on Village Form No. 14. It is there stated that the form was to be maintained by the Police Patel, but if he was—illiterate, the Kulkarni, Talati or other village accountant or some other competent person under the Police Patel’s instructions, must write it. It is further stated that if the village had several hamlets, the Patel should obtain information from a leading man in the hamlet and should also visit them himself periodically. The following observations appear therein:—

- 2 “These statistics are collected solely for use of the Sanitary or Public Health Department. There is a natural and growing tendency to use these entries as evidence of age, percentage and so on. But there is no system of registration corresponding to Somerset house in India. With legislation as to “Age of Consent” and the increasing importance of life insurance and College entry, etc., this task may have to be undertaken; but so far it has been not, and officers must not be led

into it. Cases have occurred in which long enquiries more suitable for a civil court have been conducted by Mamlatdar or Prant Officer into the genuineness of entries. When there is any dispute, no such enquiry should be made the entry should be marked 'doubtful'. But Mamlatdar and Prant Officer may correct admitted errors, but no formal enquiry should be opened."

"6.—Whenever a birth or death is discovered by the Patel or by any Inspecting Officer which was not entered on the proper date it should be entered in the current month below the last entry, but if the correct month and date is known, that date should be written in (2) or (8) and the entry must be included in the total of the current month. Make a note also in the back register at or near the place where the omission occurred".

The name of the person who gives the original information about the occurrence of a birth is not shown in this register. The only thing that is established by this entry is the fact that on the 11th April, 1937, an entry had been made showing that a male child had been born and that the father of the child was Bhupatsing Dhulaji. The learned Judge has held that this entry relates to the Independent candidate. Bhupatsing Dhulaji is the father of the Independent candidate. There is no evidence that Bhupatsing Dhulaji had any son other than the Independent candidate born in the year 1937. We agree with the learned Judge when he says that this entry relates to the Independent candidate. From this it does not, however, follow that the Independent candidate was born on the 11th April, 1937.

There is other evidence produced in the case regarding the age of the Independent candidate. One such piece of evidence consists of Exhibit 139 being the form signed by Bhupatsing Dhulaji, the father of the Independent candidate, for admission of the Independent candidate to the Raghupura School. It is dated 13th July, 1942. It mentions the name of the pupil as Amarsing Bhupatsing, the Independent candidate. It shows Bhupatsing Dhulaji as the father of Amarsing. It shows the date of birth as 6th January, 1937, and the place of birth as Raghupura in Taluka Nadiad, District Kaira. The father of the petitioner has in writing signed by him certified on that form that the information regarding his son, the Independent candidate given therein was true to the best of his knowledge. Underneath the signature of the father of the Independent candidate is the signature of S. V. Patel as Class Teacher and also of S. V. Patel as Head Master. The entry from the general register of the school for the relevant period has been produced and exhibited in the case as Exhibit 140. It shows the date of birth of the Independent candidate as 6th January, 1937 and shows the 13th July, 1942 as the date on which he was admitted to the school. Narilal Chhaganlal Bhatt, a teacher of the Raghupura school, has given evidence on behalf of the Swatantra Party candidate, the evidence being Exhibit 137 in the case. He has produced the general register of the school from 1st November, 1917 to 13th October 1947 in which the aforesaid entry Exhibit 140 appears. He has also produced the 'Vali' certificate (certificate of the guardian), being Exhibit 139. He deposes to the fact that from the certificate given by the guardian the general register is prepared. Shankarbhai Vaghjibhai Patel, who was the teacher at the Raghupura school from 5th October, 1941 to 10th May, 1946, has been called on behalf of the Swatantra Party candidate and has given his evidence which is Exhibit 141. He has deposed in the course of his evidence that all the details in Exhibit 139 were filled in by him on information given by Bhupatsing, the father of the Independent candidate and that Bhupatsing had put his signature on the certificate in his presence. He has also stated that he has put his signature thereon as the class teacher and also as the head master. He has also deposed that he himself had filled in the relevant entry in the general register from the certificate of the guardian and that the general register was filled in by him in due course of business. In the course of his cross-examination he has stated that when a student was required to be admitted, he would ask for some documentary proof of his birth date only when there was reason to doubt the date given, but not otherwise, and that it was not quite necessary for him to verify whether the date given by the guardian about the birth of the student was correct. The guardian's certificate and the general register clearly shows that as far back as 13th July, 1942, when the Independent candidate was only about five years of age, his date of birth was given by his father as 6th January, 1937. No reason has been suggested why at the time, when the Independent candidate was being admitted to school, a wrong date should

have been given by his father who would ordinarily know about the date of his son's birth.

We would at this stage also like to refer to Exhibits 164 to 168 which were relied upon before the Election Tribunal in connection with the age of the Independent candidate. On 1st December, 1961, the Independent candidate had made an application for inclusion of his name in the voters' list of the Nadiad constituency. A notice was thereafter published under rule 26(3) of the Rules of the Registration of Electors of 1960 on 26th December, 1961. No objection was received to the inclusion of the name of the Independent candidate within the time provided for the purpose. On 1st January, 1962, the Assistant Electoral Registration Officer, Nadiad, passed an order including the name of the Independent candidate in the voters' list of the Nadiad constituency at serial No. 968. This order is Exhibit 164. In the entry in the voters' list the age of the Independent candidate is shown as 23. It is necessary to bear in mind that the age that was required to be shown was the age of the voter on the 1st January, 1961. On 6th January, 1962, the Independent candidate addressed a letter to the Electoral Registration Officer, Nadiad, complaining that his age had not been correctly shown as 23 and that it should be shown as 25. This application is Exhibit 165. Thereupon on 6th January, 1962, a notice was issued by the Assistant Electoral Registration Officer, Nadiad, being Exhibit 166, notifying to the public about the application for correction made by the Independent candidate and requiring persons who may desire to raise any objection to such correction to do so within seven days from the date of the notice. On 13th January, 1962 the Independent candidate made a statement being Ex. 167 stating that his then age was 25 years, that his birth date was 6th January, 1937 and that his age on 1st January, 1961 was 23 years, 11 months and 25 days. As no objection was received the Mamlatdar, on 14th January, 1962, passed the order Exhibit 168 in terms following:—

** * * on 1st January 1961 his (Independent candidate's) age stands to 23 years, 11 months and 25 days. Therefore his age is shown as 23 years in the list and the same is proper. Under the above circumstances, the application of Shri Vaghele for correction of his age is rejected.

These exhibits only show that the Independent candidate had contended that he was 25 years of age.

Another document that was relied upon in this connection is Exhibit 60. It is a leaflet issued under the name of Natwarsinhji Solanki, Gujarat—Swatantra Paksha, containing the reasons why the Gujarat Swatantra Party gave the ticket to the appellant before us instead of to the Independent candidate. It is mentioned in this leaflet that before the final decision was taken regarding the giving of the Swatantra Party ticket, Amarsinh Bhupatsinh, the Independent candidate, had almost been selected, that the Independent candidate had himself stated before the leaders of the Swatantra Paksha that if any objection was taken to his age then trouble would arise, that the leaders of the party had to consider the question from the angle of the party and hence Shri Ramanbhai, the appellant, who had asked for the party ticket, had been selected. It is further stated that no objection having been taken to the age of Amarsinh, he continued to be a candidate, but the problem of his age was unsolved and that even if he was selected, there was a possibility of the election being set aside. This leaflet at last does not in any way help us in determining the age of the Independent candidate.

In dealing with the entries in the Birth and Death Register and the School Register, the learned Judge in the course of his judgment, has observed as under:

“Obviously, if one has to choose between these two types of evidence, it need not be said that it is birth and death register which contains a more potential type of evidence * * * *”

Entries made in the school register are quite subsequent and are mostly in form of the statement made by the guardian at the time of putting his ward into the school. These entries are, therefore, by their very nature, secondary type of evidence, and hence, the evidentiary value would not score over the evidentiary value of the entries from the Birth and Death Register.”

With respect to the learned Judge, the error in which he has fallen is in equating the value of entries made in a village register maintained for the purpose of collecting statistics solely for the use of Public Health Department, with entries

made in the birth and death register maintained under the provisions of the Births, Deaths and Marriages Registration Act, 1886. If one looks at the provisions of the aforesaid Act, one finds that by section 20 of the Act, it is provided as under:—

“20.—Any of the following persons may give notice of a birth, namely:—

- (a) the father or mother of the child;
- (b) any person present at the birth;
- (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;
- (e) any person having charge of the child.”

By section 22 it is provided that when an entry of a birth has been made by the Registrar of Births and Deaths under section 19 the person giving notice of the birth must sign the entry in the register in the presence of the Registrar. The preamble to the Act itself says that what was sought to be provided for was the voluntary registration of births and deaths among certain classes of persons. Great value is attached to certificates of registration of births when appearing in such register having regard to the care taken for the purpose of securing accurate dates of birth from persons who would be expected to know about the same. Such value cannot be placed on entries maintained by a village Patel in the form provided in the Manual of Revenue Accounts. When the entry in the register does not contain the birth at all, when entries are being made in the register as and when information about births has been gathered and when there is no evidence as regards the person who gave the information about the birth of the Independent candidate, we would be left in the realm of conjecture as regards the date on which the Independent candidate may have been born, having regard to the fact that an entry about his birth has been made in the register on the 11th April, 1937. There is no evidence about the promptness with which Ravaniyas would report the occurrences of births. It is said that the father of the Independent candidate was a Sarpanch of the village and that the birth of his son would not remain unknown in the village and that the entry must have been made very shortly after the event had taken place. If one looks at the register itself, one finds that in column 4 the name of the person who had been born is required to be stated. In remarks on Form 14, appearing at page 190 of the aforesaid Manual of Revenue Accounts, it is stated as under:—

“This form is a familiar one. There is no change except that a separate column has been ruled for the child's name. This must be left blank until the name is given. A reasonable time after the birth of the child, the Patel should inquire and insert the name. He should never send the Regr. for record to the Taluka until all names in 5(a) have been filled in, unless the child has died unnamed. These Rgr. are increasingly important for School and University and Government service as evidence of birth and for emigration—certificates.”

Even though the Independent candidate was the son of a Sarpanch of the village, his name does not appear in column 5a. It may be reasonable to presume that no one has taken care to ascertain the name given to the son of the Sarpanch and entered the same. From the way, the entries have been made and kept, no importance can be attached to the fact that the Independent candidate is the son of a Sarpanch of the village Chaklasi. It cannot be assumed that Ravaniyas must have obtained the information immediately or very shortly after the birth of the Independent candidate in the village Chaklasi. As against the information which may have been conveyed by a Ravania which led to the entry being made on 11th April, 1937, we have the evidence of a statement made by the father of the Independent candidate at the time of putting the Independent candidate to school at a time when there was no reason for the father to give any wrong information as regards the date of birth of his son. We would prefer to accept the statement made by the father as regards the date of birth of his son given as far back as 13th July 1942 than to draw inferences from the date of the making of the entry in a register kept by the village Patel. The learned Judge, in the course of his judgment, has stated in connection with the entries in the village register that those entries were not made immediately after the event had occurred, that the Ravaniyas used to give reports about the births and deaths after about one week

after the date of the event, that Revanias must have reported the birth of the Independent candidate within one week after the happening of the event and therefore, the actual date of birth of the second respondent should fall somewhere in the beginning of the month of April 1937. In view of the positive evidence in the case which exists about the actual date of birth as given by the father at a time when there was no reason for the father to give a wrong date, we cannot place reliance upon the entry contained in the village register and arrive at the conclusion reached by the learned Judge. The evidence furnished by the statement made by the father under the circumstances aforesaid cannot give way to inferences which may be drawn from the making of the entry in the village register under the circumstances existing in the case. We are unable to accept the finding of the learned Judge that the Revanias must have reported the birth of the Independent candidate within one week of the happening of the event or that his actual date of birth fell somewhere in the beginning of the month of April 1937 or that on the date of the scrutiny of the nomination paper, the Independent candidate had not completed the age of 25 years. On the evidence on record, we hold that he was born on the 6th January 1937, that he had completed the age of 25 years prior to the date of the scrutiny, viz., 22nd January 1962, and was duly qualified to contest the election as a candidate.

We shall now deal with the next point which has been pressed into service for the purpose of setting aside the election of the Independent candidate. In paragraph 13 of the petition it has been pleaded as under:—

"That the Respondent No. 1 and his agent with his consent have issued and widely distributed leaflets with Star as the symbol with a prefix Dhruva which means eternal, firm, guide, resolute and devoted to religion. The recognised symbol of the party is "STAR" without a prefix "DHRUVA". The petitioner says that the Respondent No. 1 and the Swatantra Party with the consent of the Respondent No. 1 as the agent had used the prefix "DHRUVA" with a view to give religious impetus, and to appeal the voters to vote for the Respondent No. 1 and the Swatantra Party candidate in the name of religion by using religious symbol of "DHRUVA". This amounts to corrupt practice within the meaning of section 123(3) of Act 1951. Marked Annexure "E" collectively are the leaflets. That the said leaflets were freely distributed at the meetings held between 6th February 1962 to 18th February 1962 in Saloon, Pij. Vaso, Debhan and other places by one Amratlal Dave and other supporters of the Respondent No. 1 as agents of the Respondent No. 1 at the instance and with the consent of the Respondent No. 1."

At the hearing before the Election Tribunal, the following issues were raised:—

"8.—Is it proved that respondent No. 1 or his agents with his connivance or consent have circulated leaflets marked annexure "E" of the petitioner in the meeting between 6th February 1962 to 18th February 1962 at villages Saloon, Pij, Vaso and Debhan?

Is it proved that the respondent No. 1 has used the symbol of "Star" as a religious symbol by describing it as a symbol of Dhruva? Does it amount to a religious appeal to the voters for respondent No. 1?

9.—Does the circulation of the leaflet marked "E" amount to a corrupt practice?"

Section 123 of the Representation of the People Act 1951, provides *inter alia* as under:—

"123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

* * * *

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

By this section, the use of or appeal to religious symbols for the furtherance of the prospects of the election of a candidate or for prejudicially effecting the election of any candidate has been constituted into a corrupt practice. By section 100 grounds have been set out for declaring an election to be void. That section *inter alia* provides as under:—

"100. Grounds for declaring election to be void. (1) Subject to the provisions of sub-section (2), if the Tribunal is of opinion—

* * * * *

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent: ** ** *

The Tribunal shall declare the election of the returned candidate to be void."

In the light of these provisions of law, we have to consider whether any corrupt practice as defined in section 123 has been committed by the Swatantra Party candidate who is the returned candidate in the present case, or by any other person with the consent of the Swatantra Party candidate. If so, his election is liable to be declared to be void. Under rule 5 of the Conduct of Election Rules, 1961, it is provided *inter alia* as under:—

"5. Symbols for elections in parliamentary and assembly constituencies.—

(1) The Election Commission shall, by notification in the Gazette of India and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols shall be taken into consideration under rule 10 even if that nomination paper has been rejected."

By rule 10(4) it is provided as under:—

"10. Preparation of list of contesting candidates.—

* * * * *

(4) At an election in a ** ** * assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice, and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted."

Rule 10(5) and rule 10(6) provide as under:—

"(5).—The allotment by the returning officer of any symbol of a candidate shall be final except where it is inconsistent with any directions issued by the Election Commission in this behalf in which case the Election Commission may revise the allotment in such manner as it thinks fit.

(6).—Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer."

In exercise of the powers conferred by sub-rule (1) of rule 5, the Election Commission issued an order dated 19th September 1961, directing as follows:—

"(1) The choice of symbols to be made by candidates at any election in a parliamentary or assembly constituency in a State specified in column 1 of the table below shall be made from the symbols specified against that State in column 2 or column 3 of the table and shall be subject to the following restrictions.

(2) Any such candidate sponsored by a political party mentioned in brackets after a reserved symbol specified against the State in column 2 of

the table shall choose, and shall be allotted, that symbol and no other symbol.

TABLE

State	Reserved Symbols	Free symbols
I	2	3
4. Gujarat.	1. Two bullocks with yoke on (Congress). 2. Hut. (Praja Socialist). 3. Ears of corn and Sickel (Communist). 4. Star (Swatantra).	1. Lamp (Jana Sangh). 2. Tree. (Socialist). 3. Rising Sun. (Rama Rajya Parishad). 4. Elephant (Republican). 5. Bicycle. 6. Flower. 7. Scales.

The symbol "Lion" has been subsequently added as "Free symbol by a subsequent notification dated 3rd November, 1961. Having regard to the above rules and the notification it is clear that "star" was the reserved symbol for the candidates sponsored by the Swatantra Party in the State of Gujarat and that all candidates sponsored by the Swatantra Party were under an obligation to choose and were only to be allotted that symbol and no other symbol. Similarly, all candidates sponsored by the Congress Party were under an obligation to choose "two bullocks with yoke on" as the election symbol. "Star" was the symbol allotted to the Swatantra Party candidate, "Two bullocks with yoke on" was the symbol allotted to the Congress candidate and "Lion" was the symbol allotted to the Independent candidate.

The Gujarat Swatantra Paksha, i.e., the Swatantra Party of Gujarat, got printed an election manifesto. The same is exhibited in the case as Exhibit 63. On the back cover of the election manifesto have been printed with the symbol of the star in bold type the words following in Gujarati:—

When translated, it reads the Swatantra Party's election symbol 'Dhruva no taro' i.e., the Star of Dhruva. Then follow the words:

These words have been translated as under:—

"Dhruva means eternal;
Dhruva means firm.
Dhruva means guide;
Dhruva means determined;
Dhruva means one devoted to religion."

Thereafter appear the words:—

These words have been translated as under:—

"For free religion, free agriculture and free commerce, vote for none else but 'Dhruva tara' that is, Swatantra Paksha at the coming election."

Jasbhai Somabhai Desai of the Universal Press, Nadiad, has been called as a witness on behalf of the Congress candidate. His evidence is Exhibit 59. He has deposed to the fact that this manifesto, Exhibit 63, was got printed at the

**** Gujarati version not printed.

Universal Press by Natwarsinhji Solanki, the Secretary of the Swatantra Party and that payment therefor was made by him. In his cross-examination he has stated that this manifesto was printed on 29th December 1961 and that 7000 copies thereof were printed. There is the leaflet Exhibit 71-A which has also been printed at the Universal Press. That leaflet reproduces in the margin thereof in bold letters what has been printed on the back cover of the election manifesto which has been set out above. This leaflet has been annexed as part of Annexure "E" to the petition and by consent of parties, has been exhibited as Exhibit 71-A before us on the basis that the same was printed in the month of December 1961. It is stated in the evidence of the aforesaid witness Jashbhai Somabhai Desai that this leaflet was printed at Universal Press, Nadiad, that the said Natwarsinhji Solanki had got the same printed on behalf of the Election Campaign Committee for the Gujarat Swatantra Party, that 10,000 copies thereof were printed in the first instance and that 10,000 copies thereof were subsequently printed. He has stated that Natwarsinhji had made the payment for the printing thereof. In his cross-examination he has stated that Natwarsinhji was elected as Secretary of the Swatantra Party of Gujarat in the month of December 1961. He has further stated that the office of the Gujarat Swatantra Party was situate at Nadiad. There is another leaflet, Exhibit 71, which has been got printed by the Gujarat Chuntani Precher Samiti, i.e., Gujarat Election Campaign Committee, of the Gujarat Swatantra Party. There is a five point star at the top of the leaflet. On the right hand side of the star are the words:—

As translated, the words read "Election symbol—'Dhruva no taro'". On the left side of the star the words printed in bold letters are:—

As translated, the words read "Swatantra Party and Agriculture." This leaflet has been printed at the Sharad Printery, Nadiad. Kirtikumar Ratilal Shah, who has been running the Sharad Printery at Nadiad, has been called on behalf of the Congress candidate to give evidence in the case. His evidence is Exhibit 69. In the course of his evidence he has stated that this leaflet was printed at his press and that the same was got printed by Natwarsinhji Solanki who had paid for the same. He has further deposed to the fact that 50,000 copies of this leaflet had been printed. In the course of his cross-examination, he stated that the bill for this leaflet was dated 3rd February 1962 and that the leaflets were printed before that date. He has stated that the matter contained in the leaflet was given to him for printing in the month of December 1961. Witness Bhanubhai Muljibhai who was called on behalf of the Congress candidate has stated in his evidence Exhibit 119 that in the wall publicity, the Swatantra Party used to write "Vote for the star of Dhruva". There is no cross-examination of this witness on this point. From what we have stated above, it is clear that the Gujarat Swatantra Party turned the symbol of "star" without anything more, which was reserved for the party and which was given by the Election Commission to the candidates of the party, into "Dhruva no Taro", i.e., the Star of Dhruva. It has described a simple star reserved for the party and given to the candidates sponsored by the party as the star of Dhruva. The simple star as such has no inherent appeal. The Gujarat Swatantra Party has turned this star, which we may call a star of no appeal, into the star of Dhruva. Misrepresentation of the election symbol does not however constitute the subject matter of any charge before us. The charge levelled before us is that the Swatantra Party and the Swatantra Party candidate have, by describing the symbol as the Star of Dhruva, made use of and made an appeal to a religious symbol for the furtherance of the prospects of the election of the Swatantra Party candidate or for prejudicially affecting the election of other candidates. We will have, from that point of view, to consider whether the Star of Dhruva is or is not a religious symbol. The persons to be considered in this connection are those constituting the electorate. What has to be borne in mind is the appeal which the Star of Dhruva would have on those entitled to vote in this constituency. It is well known that a large number of electors are not educated. There may be quite a number of them who are steeped in religion. By the provisions contained in section 123(3) of the Representation of the People Act, 1951, the secular nature of the election has been sought to be maintained. India is a country where persons follow numerous faiths. In order to ensure the secular nature of the elections it has been provided that an appeal by a candidate or his election agent or his polling agent or by any person with his consent, i.e., the consent of the candidate concerned, to vote or refrain from voting for any person on the ground of his religion or the use of or appeal to religious symbols for the furtherance of the prospects of the election of the candidate concerned or for prejudicially affecting the election of any candidate, has been prohibited, and has been regarded as a corrupt practice. An appeal on the ground of religion or the use of or appeal to a religious symbol may have a powerful effect on the popular mind. It is in order to preserve the

secular character of the election that it has been in terms provided that an appeal of a nature which otherwise may be regarded as a meritorious appeal by a number of people wedded to religion and the use of or an appeal to a religious symbol which may be regarded as a meritorious use or appeal by several persons, should be regarded as constituting a corrupt practice. We have to see whether by describing the election symbol as "Dhruva no taro" or the Star of Dhruva and using the same and making an appeal to the same, a religious symbol has been used or an appeal to a religious symbol has been made and whether the same has been done for the furtherance of the prospects of the election of the Swatantra Party candidate or for prejudicially affecting the election of any other candidate. For this purpose we can do no better than turn to the appeal itself which has been made by the Swatantra Party. Underneath the description of the Star as the Star of Dhruva, appears a five-fold description. The first description is " " (Dhruva stale sanstan), i.e., Dhruva means eternal.

The second description is " "

(Dhruva stale adag) i.e., Dhruva means firm.

The third description is " "

(Dhruva stale margadarshak) i.e., Dhruva means guide.

The fourth description is " "

(Dhruva stale Krutanishchayi) i.e., Dhruva means one who is firmly resolved. The fifth description is " " (Dhruva stale Dharmapriya) i.e., Dhruva means one devoted to religion. It has been strongly urged before us that the word "dharma" found in the last description applies equally to duty as to religion and the last expression may well be translated as one devoted to duty. It is urged that each of these descriptions applies to the Polar Star and that what was intended to be conveyed by these words was that the Polar Star was eternal, was firm, was a guide, was determined and was devoted to duty and that the Swatantra Paksha or the Swatantra Party being equated with the Polar Star had all the attributes described as aforesaid of the Polar Star. The words " * * * " (Krut Mischayi) and " * * * " (Dharma Priya) refer to the attributes of persons and not of things. The word " * * * " (Krut Mischayi) represents a person who has taken a firm resolve and the word " * * * " (Dharmapriya) refers to a person who is devoted to religion or a person to whom religion is dear. It may equally apply to a person to whom duty is dear or who is devoted to duty. Those words conjure up before the mind's eye a person who is " * * * " (Dharmapriya) or devoted to religion or duty and one who is " * * * " (Krut Mischayi) i.e., one who is firmly resolved. The words used are not:—

* * * * *

* * * * *

i.e., Dhruva star means an eternal star, Dhruva star means a firm star, Dhruva star means a star which is a guide, Dhruva star means a determined star, Dhruva star means a dutiful star, but " " i.e., Dhruva means eternal, Dhruva means firm, Dhruva means guide, Dhruva means one who is firmly resolved, Dhruva means one who is devoted to religion or duty. Even if the words had been so used, they would not apply describe the qualities of the Polar Star. The word "Dhruva" has been used not as an adjective but as a proper noun and the attributes are the attributes (Krutnischayiji) of the personage Dhruva. The words (Dharmapriya) and " * * * " are the attributes of Dhruva, the mythological personage Dhruva and not of the Polar Star. The learned Advocate General strongly urged before us that when an appeal has been made that vote should be cast for "Dhruva Tars" i.e., the Swatantra Party, what was intended to be conveyed was that the Swatantra Party was equated with the Polar Star and that it symbolised the qualities which the Polar Star possessed. He relied upon the last few words which lay down " * * * * * " which means, vote for none else but the Dhruva Star i.e., the Swatantra Party, at the coming elections.

When considering these words and the appeal which these words have on the popular mind, it is necessary to bear in mind what Dhruva stands for, having regard to the religious literature on the subject. In this connection, our attention has been called to various publications of a religious nature. Shrimad Bhagwat is regarded by a large number of Hindus as a religious book, the reading whereof to the popular mind is supposed to bring great religious merit and

emancipation from rebirth, Pious Hindus get Shrimad Bhagwat read for seven days in order to derive spiritual benefit for themselves and to confer spiritual benefit on those who remain present and listen to the reading of Shrimad Bhagwat. "Dhruva Charitre" occupies five "Adhyayas" out of 31 "Adhyayas" of the fourth "Skands" of Shrimad Bhagwat. It recites the doings of Dhruva, the son of king Uttanpad and grandson of Manu, born of Sunriti. King Uttanpad had two wives, Suruchi and Suniti. Suruchi was the favourite wife. Seeing the son of Suruchi sitting in the lap of king Uttanpad, Dhruva desired to sit in the lap of king Uttanpad. Queen Suruchi forbade him from doing so, stating that he would have to be born of Suruchi in order to sit in the lap of king Uttanpad. Being touched to the quick, child Dhruva went to the forest, devoted himself to Lord Vishnu and did penance for long. Ultimately, Lord Vishnu was pleased with his devotion and his penance and presented himself to Dhruva. God Vishnu gave a boon to Dhruva that Dhruva would occupy the region of Lord Vishnu himself where Saptarashis would do him obeisance. Thereafter, according to the story as given in the Bhagwat, king Uttanpad went to the forest and Dhruva became the king and reigned for 36000 years whereafter the "Viman" the aerial chariot of Vishnu came to take him to "Swarg", that Yama, the lord of death, came when he was about to mount the "Viman" but Dhruva put his foot on the head of Yama the lord of death, mounted the "Viman" and went to the region of Lord Vishnu and has become the star Dhruva and he shines in the firmament. It is said in Shrimad Bhagwat that the reading of the doings of Dhruva makes one free from all sin and takes one to heaven. The recital of Dhruva Charitre is considered among Hindus to be an act of great religious merit. The five-fold attributes of Dhruva given in Exhibit 63 and Exhibit 71-A are the attributes of Dhruva to whom, according to the religious belief, Lord Vishnu made himself manifest and to whom an eternal place has been given by Lord Vishnu himself. (Dhruva etale Sanatan) refer to Dhruva the great personage who, from being a mortal, attained immortality and became eternal. The words " * * * * " (Dhruva etale adag) refer to Dhruva, the great personage, who was firm in his resolve and pleased the Lord and attained the celestial position. The words " * * * * " (Dhruva etale margadarshak) refer to Dhruva the great personage who has shown the path leading to the Lord. The words " * * * * " (Dhruva etale Krutnishichayi) refer to that very same personage who, by his firm resolve, attained his heart's desire. The words " * * * * " ((Dhruva etale Dharmapriya) refer to that very personage to whom religion was dear. All these descriptions conjure up before the Hindu mind the great personage Dhruva described in Shrimad Bhagwat and not the Polar Star as known to astronomers. The Swatantra Party in converting the plain symbol of star given by the Election Commission into the symbol of the star of Dhruva has not sought to make a secular appeal by reference to a star as known to astronomy. The appeal is made to the great religious personage Dhruva, to attract votes at the election. It is an appeal intended for the furtherance of the prospects of the election of the candidates of the Swatantra Party. We cannot regard this appeal as purely a secular appeal having a reference to the Polar Star. There is a translation of Shrimad Bhagwat in English by J. M. Sanyal. The following are the extracts therefrom:--

"This holy account of Dhruva is regarded with high esteem by the pious people. The recitation and hearing of this holy narration bring fame, longevity and affluence, and are also highly sacred. This destroys sin and is even like a highly beneficial religious rite. This brings one to the heaven and the region conferred on Dhruva (Dhruva loka) by the Reverend One, and as such it is highly praiseworthy. The person who is in a reverential spirit of mind listens to the story of Dhruva acquires devotion for the Reverend one and becomes free from worldly miseries. If a person intends to acquire greatness, then he should listen to the account of Dhruva and thereby his desire will become fulfilled. By hearing this story a person acquires excellent character. By reverentially listening to this story, he that desires energy gets it; and he who desires intelligence obtains intellectual power. With a pure mind and in the assembly of Brahmins, a person should recite the holy narration about the righteous Dhruva both in the morning and in the evening. A person should particularly recite the sacred story on the full moon and new moon day on the 12th day of the month, during the influence of the star named Sravans, during the confluence of three Tithis (trahasparsha, a day in the course of which practically three tithis touch) Vyatipata day, Sankranti day (the last day of the month is called the Sankranti day) and on Sundays. One should also recite it with a desireless heart unto persons entertaining veneration for

Lord Shri Hari. Thereby the soul will be merged in the self and the life's aim will be realised. The Gods are graciously disposed to **words** that kind-hearted friend of the distressed who compassionately imparts the ambrosial knowledge of the path to attain the Reverend one to one who is ignorant thereof

This appears in Chapter XII, Book IV

In Book V, Chapter XIII, at page 91 of Shrimad Bhagwat as translated by J. M. Sanyal, it is stated as under

"The suspicious Sukadeve said—At a distance of three and ten Yojenas, O king, from this region, it is said, lies the illustrious sphere of Reverend Vishnu, which transcends every region. In that excellent region there dwells that great devotee of the Reverend One, Dhruva, the son of king Uttanpad. That suspicious devotee of the Lord exists there ever, reverentially circled by Agni, Indra, Prajapati, Kasyapa and Dharma, all simultaneously converted into stars. They attained equal longevity with the beings living for a Kalpa. The greatness of Dhruva has already been described. The Supreme Lord has created him as a pillar for the support of the astral spheres that constantly course in the heavens in accordance with the course of the Reverend Kala (Time), devoid of Nimishes, incapable of being described in the words; and it ever shines in that shape."

A translation of Shri Vishnu Purana in English has been made by H. H. Wilson. In Chapter XII, Part I at page 80, thereof, the following words in reference to Dhruva appear—

"A station shall be assigned to thee, Dhruva, above the three worlds; one in which thou shalt sustain the stars and the planets; a station above those of the sun, the moon, Mars, the son of Some (Mercury), Venus, the son of Surya (Saturn), and all the other constellations, above the regions of the seven Rishis, and the divinities who traverse the atmosphere. Some celestial beings endure for four ages, some for the reign of a Manu; to thee shall be granted the duration of a Kalpa. Thy mother Suniti, in the orb of a bright star, shall abide near thee for a similar term; and all those who, with minds attentive, shall glorify thee at dawn or at eventide, shall acquire exceeding religious merit."

"He who shall worthily describe the ascent into the sky of Dhruva, for ever shall be freed from all sin, and enjoy the heaven of India. Whatever be his dignity whether upon earth or in heaven he shall never fall from it, but shall long enjoy life, possessed of every blessing."

In the Maha Bharata Anushasan Parva as translated in prose by Manmathe Nath Dutt (1897 Edition), it is stated at page 324 as under—

"One becomes freed from every trouble and calamity by daily reciting the names of the celestials, of the seven Rishis, and of Dhruva. Indeed such recitation speedily frees one from distress."

In the evidence that has been led before the Election Tribunal, it has been stated by Rambhai Ambalal who gave evidence on behalf of the Congress candidate and whose evidence is Exhibit 102, as under—

"This star of Dhruv is the place for Vishnu. So we people worship the star of Dhruv, at the time of marriage, couple would be happy and the residence in the new house would also be happy. Dhruv was the son of a king who being angry with his father, left his house and worshipped Vishnu whereupon Vishnu became pleased with him and gave him his own place. I knew this story from the 'Shastries' who have read 'Bhagwat Sautaha' at our village. It is said that if the name of Dhruva is taken in the morning and its story is heard, our sins would be washed away. *** After reading the pamphlets, I felt that we should vote for 'Dhruv' star for the sake of 'Bhakti'."

In his cross-examination he stated that Brahmans worship Dhruva at the time of 'vastu' ceremony

Witness Bhanubhai Muljibhai, who gave evidence on behalf of the Congress candidate and whose evidence is Exhibit 119, stated in the course of his cross-examination that it was true that Dhruva was a devotee of God, that Narsinh Mehta,

Prahlad and Meera were also the devotees of God but there was difference between them and Dhruva. He stated that it was true that whoever was the devotee of God was dear to all and that they were dear to Hindus.

The Swatantra Party candidate has given evidence in this case, his evidence being Exhibit 147. In the course of his evidence he has stated as under:—

“I cannot definitely say that at by Vaso office a board might have been fixed to show that my election symbol was the star of Dhruva.”

He has further stated that it was true that Dhruva was considered as a devotee of God by Hindus. He however has further stated as under:—

“I do not know whether people are under the belief that God Vishnu had given him an eternal place. It is not true to say that the Star of Dhruva is worshipped by the newly wedded couple soon after ‘Saptapadi’, but the only thing which is said at this time is this that the newly wedded couple should look at the Dhruva star so that the married life would remain as the star of Dhruva. It is not true that at the time of Vastu ceremony the star of Dhruva is installed.”

It is clear from the references to Shrimad Bhagwat, Vishnu Purana and Maha Bharat and the evidence of some of the witnesses that Dhruva, to the mind of some of the Hindus, is that great personage who, as a result of his great devotion and his penance, had pleased Lord Vishnu to such an extent that Lord Vishnu made himself manifest to him and ultimately he became the star of Dhruva in the region of Vishnu where he eternally shines. According to the Hindu mythology as expounded in Shrimad Bhagwat and Vishnu Purana, it is the pious devotee Dhruva who has been raised to ‘Vishnupad’, the region of Vishnu and who now shines as the star of Dhruva. According to this belief, the Star of Dhruva is no other than the devotee Dhruva himself. It is not as if Dhruva, the devotee, has been given a place on a pre-existing star or that any existing star has been named after Dhruva. The star of Dhruva is Dhruva, the great religious personage himself. When an appeal is made to the voters by the Swatantra Party to vote for ‘Dhruva no Tare’ it is an appeal to vote for Dhruva, the great religious personage, and the five-fold description of Dhruva given by the Swatantra Party is the description of this personage Dhruva and it is in his name that an appeal has been made to cast votes for the Swatantra Party and such an appeal could not but be regarded as an appeal to a religious symbol. When the Swatantra Party turned the real election symbol of a star of no appeal into the Star of Dhruva of great religious appeal it was with a view to secure votes of the Hindu electorate conversant with the story of Dhruva as given in Shrimad Bhagwat and in Vishnu Purans for the Swatantra Party candidates and further their prospects at the election and to prejudicially affect the election of other candidates. It is urged by the learned Advocate General, who appears on behalf of the Swatantra Party candidate, that in order to amount to a corrupt practice, it must be shown that the symbol used is a religious symbol. He urges that the expression ‘religious symbol’ as used in section 123(3) must be understood in the sense of a symbol representing religion. He urged that the star of Dhruva represented no religion. In support of his contention, he referred to the words in the section which follow those relating to religious symbols. He agreed that by sub-section (3) of section 123, the use of or an appeal “to national symbols, such as the national flag or the national emblem” for the furtherance of the prospects of the election of the candidate concerned or for prejudicially affecting the election of any candidate has also been regarded as constituting corrupt practice. He urged that the national flag was a national symbol inasmuch as it represented the nation and that the national emblem was a national symbol inasmuch as the national emblem represented the nation. By analogy, he sought to argue that a religious symbol must represent some religion, just as the crescent and star represents a religion, so a Dhruva star, before it could be held to be a religious symbol, must represent some religion. He said that according to Hindu popular beliefs, Dhruva was a devotee of God and not God himself, and as the symbol of Dhruva star was not the symbol of God, it could not be a religious symbol. We are unable to agree that a symbol, in order to be a religious symbol, must symbolise God. There are many symbols which have in fact been held to be religious symbols without symbolising God. The symbol of Nandi has been regarded as a religious symbol though no one can say that Nandi is God. There can be religious symbols without the symbols being said to represent a religion. The word symbol has been defined in Encyclopaedia Britannica 14th Edition as under:—

“The term given to a visible object representing to the mind the semblance of something which is not shown but realised by association with it

One of the first symbols of the Saviour, the fish, was derived from an acrostic of the Greek word *Ixous*, the component letters of which were the initials of the five words, 'Incova Xpiores, Ocov Xios, Xernp. Jesus Christ, Son of God, Saviour. The ship, another early symbol, represented the Church, in which the faithful are carried over the sea of life. Other symbols are those which were represented by animals, real or fabulous, and were derived from Scripture, thus the lamb typified Christ from St. John's Gospel (1. 29 and 36), and the lion from the Book of Revelation, where (v. 5) Christ is called the 'Lion of the tribe of Jude'. The peacock stood for immortality; the phoenix for the Resurrection; the dragon or the serpent for Satan; the stag for the soul thirsting for baptism. The sacred monogram Chi Rho, P supposed to have been the celestial sign seen by the emperor Constantine on the eve of the defeat of Maxentius, represents the two first letters of the Greek word *Xpioros* which Constantine figured on his labrum, or standard, and is found on early Christian coins bearing also the favourite decoration of the Byzantine sarcophagi."

In Shorter Oxford English Dictionary, 1930 Edition, a symbol is defined as "2. something that stands for, represents, or denotes something also (not by exact resemblance, but vague suggestion, or by some accidental or conventional relation); esp. a material object representing or taken to represent something immaterial or abstract. b. An object representing something sacred; spec. (sbsol) either of the elements in the eucharist, as representing the body and blood of Christ." It cannot be disputed that the star which has been described as the Star of Dhruva was a symbol. In fact, "star" has been given as a symbol by the Election Commission to the candidates sponsored by the Swatantra Party. Being a symbol, the only question that really falls for consideration is whether by describing this symbol as the Star of Dhruva or 'Dhruva no taro' the symbol has become a religious symbol. The word "religion" has been defined in shorter Oxford English Dictionary *inter alia* as—"3. Action or conduct indicating a belief in, reverence for, and desire to please, a divine ruling power; the exercise or practice of rites or observances implying this Also pl. Religious rites, * * * * * 5. Recognition on the part of man of some higher unseen power as having control of his destiny, and as being entitled to obedience, reverence and worship, the general mental and mortal attitude resulting from this belief, with ref. to its effect upon the individual or the community; personal or general acceptance of this feeling as a standard of spiritual and practical life. * * * * * 6. Devotion to some principle; strict fidelity or faithfulness; conscientiousness; pious affection or attachment." In Stroud's Judicial Dictionary, Third Edition, under the heading "what is religion" it is observed as under:—

"It is not what a man honestly believes in and approves of and thinks it his duty to inculcate on others, whether with regard to this world or the next. A belief in any system of retribution by an over-ruling power? It must, I think, include the principle of gratitude to an active power who can confer blessings."

The term "religious purposes" has been stated in the Stroud's Judicial Dictionary, to mean "purposes conducive to the advancement of religion". In Shorter Oxford Dictionary, the term 'Religious' used as an adjective, has been stated to mean "imbued with religion, exhibiting the spiritual or practical effects of religion, pious, godly; 3 of the nature of, pertaining or appropriate to, concerned or connected with, religion." A symbol is religious if it has a religious significance. It is not necessary that the symbol must symbolise God. A religious symbol may symbolise the power of God, and may represent a belief, in the religious efficacy of certain practices which may lead to the realisation of God, or which may lead to what is styled heaven or 'Swarga' or which may lead to freedom from rebirth having regard to the religious belief of persons. The symbol of the Star of Dhruva, the personage, about whom references have been made in the Shrimad Bhagwat and Vishnu Purana, is a symbol which would bring to the mind's eye the efficacy of devotion to Lord Vishnu, which would bring to the Mind's eye what Lord Vishnu would do when he finds a mortal doing penance and devoting himself with singleness of purpose to the Lord. It symbolises what could be attained as a result of devotion to Lord Vishnu. The Star of Dhruva represents Dhruva himself and this symbol of Dhruva cannot but be regarded as a religious symbol. It is a symbol which is intended to invoke religious sentiments. It is a symbol which has a religious association connected with it. In our view, having regard to the popular notions about Dhruva, having regard to the beliefs of a section of the people of this country as regards Dhruva, having regard to the fact that even the very recitation of his name or the narration of his doings or the very

fact of having listened to such narration is regarded as an act destructive of all sins and as leading to 'Swarga', it cannot be said that this symbol is any other than a religious symbol. When considering whether a symbol is a religious symbol, one has not to consider what appeal that symbol has on the non-religious or the irreligious or on those on whom a particular religion or a particular religious belief has no appeal. One is not to consider what appeal it would have on those who do not believe or consider that the symbol is sacred. In considering whether a symbol is a religious symbol, a judge has not to bring to bear upon the problem his individual beliefs or sentiments. What the Court has to consider is whether there is a section of the electorate in the constituency in question to whom the symbol is religious, to whom the symbol has a religious appeal, in whose mind religious sentiments or associations are attracted by that symbol. The symbol of Nandi or the representation of Hanuman may not constitute a religious symbol to those to whom Nandi is not sacred, or to those who do not believe that the worship of Hanuman would bring any benefit. The symbols would still be religious symbols so long as there are sections of the public to whom the Nandi and Hanuman are sacred.

The learned Judge, in the court of his judgment, has, after stating that Dhruva is the Hindu mythological figure held in veneration by the Hindus and after setting out the story of Dhruva, observes as follows:—

"the word 'Dhruva' is a Sanskrit word having its derivation from the root 'Dhru' (meaning 'to hold'). The word "Dhruva" is not always used as a proper noun because its literal meaning is 'permanent' and is often used as an adjective."

Thereafter the learned judge proceeds to recite various verses in Sanskrit which give the meaning of the word 'Dhruva' used as an adjective. We are not concerned in this case with the use of the word 'Dhruva' as an adjective. The words 'Dhruva no Taro' do not contain the word 'Dhruva' is used as a proper noun and with respect it would not be very pertinent to consider the meaning of the word 'dhruva' used as an adjective. The learned Judge has further stated that so far as Gujarati language was concerned, this expression was also used for denoting the two poles of the earth, viz., the north pole and the south pole and that this aspect was necessary to be borne in mind. When the words used are 'Dhruva no taro', the reference to north pole or the south pole does not seem material. The learned Judge in dealing with the matter has expressed himself in terms following:—

"It is thus evident that when the whole expression 'religious symbol' is taken into account, it should mean something which not only pertains to or sets forth religion but also definitely stands for or represents it. It is already noted that the case of the petitioner is that—describing the symbol of star as 'the star of Dhruva' amounts to representing it as symbol of the religious mythological figure 'Dhruva' and to stating that the vote for this symbol is a vote for 'Dhruva'. If this is found to be the only interpretation, which can be put to description of the symbol of Dhruva then I would not hesitate in agreeing fully with the petitioner. But if it is found that this is not the only interpretation, which can be put to the description of the symbol and that some other interpretation which would be totally innocuous and legitimate can also be put to this description, then it would not be possible for me to come to the conclusion that the first respondent has committed any corrupt practice as contemplated by sub-section (3) of section 123 of the Act. It follows, therefore, that in cases where a particular step taken by a candidate is liable to two interpretations having equal force, the candidate concerned would surely be entitled to contend that the corrupt practice in question is not proved beyond reasonable doubt and the election should not be lightly set aside."

We are in full agreement with the learned Judge that an election should not be lightly set aside. But the learned Judge has, in coming to the conclusion to which he has arrived at, led himself into this fallacy that if a symbol was a religious symbol to some and was not a religious symbol to others, then it could not be said that the candidate was guilty or using a religious symbol. What we have to consider is the effect which the symbol produces on the minds of the public or a section of the public. If the symbol has, to a section of the public, a religious appeal, then it is a religious symbol. It is not necessary that the symbol must be a religious symbol to all the electors. It is not a question of considering merely the intention of the person using it. When considering whether a symbol is a religious symbol it is not the subjective view of any particular individual which

matters. What matters is whether there is a section of the electors in the constituency concerned which regards the symbol as sacred or religious. Even a non-religious or an irreligious person may use a symbol as a religious symbol to attract the votes of those who regard the symbol as a religious symbol. If an atheist candidate to whom the symbol of the crescent and star may not have any religious appeal, uses that symbol to attract the votes of Muslim electors in his constituency, he would still be guilty of having used a religious symbol. We are unable to agree with the reasoning of the learned Judge who, after accepting that the symbol would be a religious symbol to some, still considers that when the Swatantra Party candidate used that symbol, it was not a religious symbol.

Several cases have been cited for the purpose of showing what have been regarded as religious symbols. A reference in this connection may be made to the case reported in 22 Election Law Reports, page 1, in the case of Shubnath Deogran v. Ram Narain Prasad and others. It is a decision of the Supreme Court and the same is also reported in 1960(1) Supreme Court Reports, page 953. In that case, the appellant before the Supreme Court belonged to the Adibasi community and was put up as a candidate by the Jharkhand party whose symbol was a cock, and was declared elected. The main allegation in the election petition to set aside the election of the appellant was that he had committed the corrupt practice of making an appeal on the ground of religion by circulating leaflets containing the words following:—

“In the box of the Jharkhand Party is printed the symbol of Cock,

Put your votes in the box with Cock symbol. ‘O’ rise ye children of men—
Respected sons of men open your eyes, lend your ears.

Recognise me and my crow,

In your services and worships

in the Worship of your forest God (Buru) In stomach pain and headache

At the time of your distress and miseries I am with you even after giving my life. You recover (from illness) even by applying knife at my neck. This thought gives me pleasure. In exchange of this give me chara in the shape of vote. I am victorious. Do not forget me otherwise I tell, ye sons of men will suffer eternal miseries. Crow of Cock, Cock crowed, rise now, open your eyes, be prepared for duty. Yours only Cock.”

Both the Courts below had arrived at the conclusion that the cock was no religious symbol of Adibasis but it formed an integral part of religious ceremonies which they performed while worshipping some of their important deities, that cocks were sacrificed before those deities to get happiness and to get rid of miseries, that a cock was kept tied for two days without any food and on the day of the sacrifice it was taken to the ‘Puja asthan’ where some rice was put and after prayers to the Bongas, namely, the deities, for getting happiness and to get rid of miseries, the cock was placed near the rice. If the cock pecked at the rice, the Adibasis considered their Bongas to be pleased. They thereafter sacrificed the cock. If the cock did not peck at the rice, they considered their deities to be displeased and prayers were offered until the cock pecked at the rice when it was sacrificed. It was urged that what was meant by the leaflet was that like the sacrificial cock, the candidate that is the appellant, was prepared to lay his life down for the good of the community. Sarkar J. who delivered the majority judgment of the Court, held that there was nothing in any of the leaflets to convey that meaning. He held that it was an appeal on the ground of religion, for the substance of it was that it would be an irreligious act not to vote for the particular party and that it would then be a corrupt practice of a systematic appeal on the ground of religion.

12th March 1963

In the course of his minority judgment, Subha Rao J. has observed that what was essential was that the appeal should expressly or by necessary implication seek votes on the ground of religious affinity or religious conflict, that the section was not intended to prevent appeals in picturesque or metaphorical language drawing analogies from mythology or religion or folklore. He has further observed that when most of the voters are illiterates the candidate or his agent can attract and enthuse the audience or drive home his points only by parables, similes* or metaphors drawn particularly from religious lore which most of the people understand and appreciate, that a distinction must, therefore, be drawn between canvassing on grounds of religion and seeking of votes in graphic or picturesque

language with analogies from religious lore; that a candidate may appeal to the electorate consisting of persons professing different religions, say Hindus, Mohommadans, Christians, etc., to vote for him and say that he would sacrifice his life in the cause of his constituency just like Christ sacrificed his life to redeem the world; that he may also say that like Rama, the virtuous, who killed Ravana, the 'rakshasa', the embodiment of evil, he would, if elected, put down corruption, nepotism and the like in Government. The minority view held by Suba Rao J. was that the document was capable of two interpretations. One gave it an understandable content and the other imputed to it a confusion of ideas involving corrupt practice and that he preferred to read the document in a way beneficial to the elected candidate. The observations made even in the minority judgment show that what may be permissible is the seeking of votes in graphic or picturesque language with analogies from religious lore. It may be possible for a candidate to say that if elected, he will stick to the principles of the Swatantra Party as resolutely as Dhruva, or that he would adhere to what had been stated in the election manifesto as firmly as Dhruva, or that he would be devoted to the electorate after being elected with the same steadfastness as shown by Dhruva to Lord Vishnu, but that is far from saying that the electorate should vote for Dhruva. The appeal in the present case is not an impersonal appeal or an appeal to virtues but an appeal in the name of Dhruva, the devotee of God, who had become immortal. It is an appeal based on religious sentiments and not an appeal based on reason and logic. The learned Advocate General has distinguished this case, and in our opinion rightly. He contends that this is a case which refers to an appeal by a candidate to religion. The judgment in this case does not proceed on the footing that the symbol of the cock was a religious symbol.

In the case reported in 19 Election Law Reports, page 278 in the case of Abdul Rahman Khan v. Radha Krushna Biswas Roy, the Orissa High Court held that the circulation of a booklet containing a statement that the bullock, which was the symbol of the Congress party, was the 'Vahana' of Lord Shiva and a diety of Hindus, and therefore, all must vote for the Congress, amounted to the corrupt practice of systematic appeal on the ground of religion and use of a religious symbol within the meaning of the then section 123(3) of the Representation of the People Act, 1951. At page 293 of the judgment, it has been observed that systematic appeals were carried on by the respondent in that case through the use of religious symbols by saying that the Congress box carried the emblem of bullocks which are the carriers of Lord Mahadev and as such the electors should vote for him. One of the poems used in connection with the election in a stanza stated—"The bullock is your deity in whom you should always have faith." In the course of the judgment, at page 296, it has been observed as under:—

"It will be sufficient to state that the bullock has been described as the "Bahan" of Lord Shiva in exhibit 5 and as such has been used as a religious symbol."

The High Court of Orissa set aside the judgment of the Election Tribunal which had held that the Congress symbol had been recognised by the Election Commission and consisted of a pair of bullocks with a plough and that the interpretation that was alleged to have been placed before the electors might constitute a religious appeal if anything, but it could not come within the ambit of the words "use of or appeal to religious symbol".

Another case which has been referred to at the Bar is the one reported to in A.I.R. 1961 Mysore, page 106, in the case of Sangappa Andanappa v. Shivamurthiswamy Siddappalyaswamy. The Mysore High Court held in that case that an appeal to Lingayat voters of the constituency equating the Congress symbol of yoked bullocks with 'Shiva's Nandi', the mount of God and also Kalyana Basava, and entreating them to vote for a particular Congress candidate on the ground that the votes recorded for the Congress candidate would really be votes recorded for Shiva's Nandi or Kalyana Basava would not only constitute undue influence falling within section 123(2) but also a systematic appeal on grounds of religion or caste falling within section 123(3) of the Act. In the course of the judgment it was elucidated that Kalyana Basava was a great reformer of the Veerasaiva religion. It has been observed in that case as follows:—

"If it was represented to the voters that the bullocks forming the Congress symbol was the mount of Shiva or have to be regarded as the same as Nandi who is the mount of Shiva, it cannot be denied that the appeal that was made to the voters would be an appeal that votes have to be cast in favour of the Congress symbol because the Congress symbol represents the mount of God."

Another case referred before us was the one reported in 17 Election Law Reports, page 37, in the case of Shrivram Sawant Bhonsale v. Pratap Rao Deorao Bhonsale. In that case the symbol "Jai Shambhu" which was the motto of the State of which the candidate was the ruler and was used by the State in official documents and in the official gazette of the State and which was also used as a personal motto of the candidate was used on badges issued to the candidate's volunteers and in some printed matter in his election campaign. It was held that in the absence of any allegation and proof that the symbol was used in furtherance of the prospects of the election, the candidate could not be held guilty of a corrupt practice under section 123(3). In that case it has been stated by the learned Judges that the expression 'religious symbol' can well include special flags of temples and articles of deity of a temple.

A reference was made to a decision reported in 20 Election Law Reports, 221, in the case of Rustom Satin v. Dr. Sampooranand and others. It was held in that case that distribution of pictures, displaying the election symbol of the Congress with the figures of Annapurnaji or Bhagwan Vishwanathji constituted use of religious symbols within section 123(3) of the Act. At page 245 of the report, the learned Judges observe as follows:—

"Annexure B-1 contains a coloured picture of the goddess 'Annapurna Ji' on the front and a standing picture of Mahatma Gandhi carrying a stick, on the back. Annexure B-2 contains a picture of the symbol of Bhagwan Vishwanath Ji with a priest sitting by the side of it on the front, and a standing picture of Mahatma Gandhi carrying a stick, on the back, while annexure B-3 and B-4 contain coloured pictures of the symbol of Bhagwan Vishwanath Ji with two priests sitting by its side on the front, and a standing picture of Mahatma Gandhi carrying a stick, on the back. All these pictures display the election symbol of the Congress (namely, two bullocks and yoke) on the front side. So far as these annexures are concerned, particularly annexures B-2, B-3 and B-4 we have no doubt that they contain religious symbols of the kind prohibited by section 123(3) of the Act."

Some of these cases do go to show that in order to be a religious symbol, the symbol need not represent a deity. In order to be a religious symbol, it must be a symbol with a religious appeal. It must be a symbol which should arouse religious sentiments of the voters. It must be a symbol whereby religious susceptibilities of the voters are activated. In the present case, the plain symbol of a star has been invested with the hallow of religion by the description of the star as 'Dhruva no taro'. Having considered all aspects of the matter, we are of the view that by describing the symbol star given by the Election Commission as 'Dhruva no taro', or the Star of Dhruva those who have done it, have converted a secular symbol into a religious symbol.

The next question that we will have to consider is whether the use of this symbol or appeal to this symbol has been made for the furtherance of the prospects of the election of the Swatantra Party candidate or for prejudicially affecting the election of other candidates. There can be no doubt that the plain secular symbol star has been converted into a religious symbol in connection with the election for the purposes of the election and that the same could only be for the furtherance of the prospects of the election of the candidate sponsored by the Swatantra Party, and for prejudicially affecting the election of other candidates. Even the wall publicity shows that the electors are asked to vote for the Star of Dhruva. The leaflets which have been distributed among the electors show that an appeal to the electorate has been made to vote for the Star of Dhruva.

What has been stated above is sufficient for the purpose of showing that a religious symbol has been used and an appeal to a religious symbol has been made for the furtherance of the prospects of the election of the Swatantra Party candidate and for prejudicially affecting the election of the other candidates and would constitute corrupt practice within the meaning of section 123(3) of the Representation of the People Act, 1951.

The next question that requires consideration is whether such corrupt practice has been committed by the Swatantra Party candidate or by any other person with the consent of the Swatantra Party candidate, within the meaning of section 100(1) (b) of the Representation of the People Act, 1951. We shall first deal with the

evidence on the subject and then consider the legal position having regard to the facts elucidated by the evidence.

The Swatantra Party candidate in his evidence which is Ex. 147, has stated as under:—

"I had seen the pamphlets 'D' and 'E' about 1½ to 1¾ months before the election when they were distributed along with newspapers at Nadiad. I had read these pamphlets."

The pamphlets E refer to Exhibits 71 and 71-A. In the course of his evidence he has stated that before he got the party ticket, pamphlets were distributed in his constituency. The pamphlets would include pamphlets Exhibits 71 and 71-A. He has stated that he had joined the Swatantra Party from the date on which he was given the party ticket for the election, implying that he had nothing to do with the Swatantra Party prior to the Swatantra Party ticket being given to him, that on 18th January 1962, he got the ticket from the Swatantra Party, that on that day, 'Bhaikaka', the popular name by which Bhailal Patel, the present leader of the Swatantra Party in the Legislative Assembly in Gujarat is known, had phoned to him to enquire whether he would like to stand on the Swatantra Party ticket, that he expressed his willingness to do so and was given the Swatantra Party ticket and that on 19th January, 1962, he filed his nomination paper. Prior to 19th January, 1962 the election campaign of the Swatantra Party was on. He knew that leaflets Exhibits 71 and 71-A were being distributed amongst the voters. Those leaflets described the election symbol of the Swatantra Party as 'Dhruva no taro' or the Star of Dhruva. These leaflets represented Dhruva as being the persons who had the various attributes referred to by us earlier. The Swatantra Party had, by that time, already converted the plain election symbol granted by the Election Commission to the party into a religious symbol. He accepted the ticket of the Swatantra Party with the knowledge of the fact that the election symbol of the party had been so described by the Swatantra Party itself as to convert it into a religious symbol. After he accepted the Swatantra Party ticket, the election symbol which had been converted into a religious symbol was continued to be used as the election symbol of the Swatantra Party and its candidates. There is evidence to this effect on the record. Rambhai Ambalal has given evidence on behalf of the Congress candidate, his evidence being Exhibit 102. He has deposed to the fact that the village Pij to which he belonged, was situate in Uttarsanda constituency. He has stated that canvassing for the Swatantra Party candidate was done at his village of Pij by holding meetings, issuing pamphlets and posters. He stated that about five days before the polling he had attended one such meeting addressed by one Amritlal Dave, that after that meeting was over, Amritlal Dave asked about five villagers to distribute some pamphlets, that the villagers so asked were Ratilal Somabhai, Shivabhai Fulabhai, Desaiabhai Shankarbhai and Chaturbhai Bhikhabhai, that among the pamphlets distributed were the pamphlets, the prints whereof have been tendered as Exhibits 71 and 71-A in the proceedings and that the pamphlets had been distributed amongst 500 to 700 persons in that village at that meeting. There is also the evidence of Bhanubhai Muljibhai, led on behalf of the Congress candidate, his evidence being Exhibit 119. He hails from village Vaso. He stated that about 4 to 5 days before the polling Amratlal Dave had given a lecture on behalf of the Swatantra Party candidate at Vaso. He further stated that the Swatantra Party candidate was present at that meeting, that Fulebhai Maganbhai and Ishwarbhai Kashibhai were the workers of the Swatantra Party from the village Vaso, that in the beginning pamphlets were distributed amongst the audience, that he had received the pamphlets and that among the pamphlets so received were the pamphlets, prints whereof are marked as Exhibit 71 and 71-A. In his cross-examination he stated that there was only one public meeting held by the Swatantra Party at Vaso. In connection with the distribution of the booklet which has been annexed as Annexure 'C' to the petition, he was cross-examined and he stated that it was not true that the booklet annexure 'C' was not distributed at any meeting at Vaso. There does not appear however any cross-examination in connection with the distribution of the pamphlets. There is also the evidence of Vithalabhai Naranbhai Patel, who has given evidence on behalf of the Congress candidate. He hails from village Dabhan in Uttarsand constituency. In the course of his evidence which is Exhibit 129, he has stated that a meeting had been held at village Dabhan, that before the work of the meeting began he had distributed pamphlets in support of the Swatantra Party, that the Swatantra Party—candidate was also with him, that he had received the booklet, annexure 'C' to the petition, and the leaflets, prints whereof have been marked as Exhibits 71 and 71-A, that he had received this literature from Ravjibhai Marghabhai Patel at the Chora where the meeting was held and that Ravjibhai Marghabhai Patel had received the same from Amri. In the course of his cross-examination he stated that it was not true that the Swatantra Party candidate had never come to Dabhan along with Amritlal Dave and that it

was not true that the booklet, annexure 'C' had not entered the district during the campaign. From the record it does not appear that there was any cross-examination of this witness in connection with the distribution of the pamphlets, prints whereof have been exhibited as Exhibits 71 and 71-A.

On behalf of the Swatantra Party candidate, evidence has been led of Fakirbhai Fulabhai Patel, his evidence being Exhibit 171. He has stated that during the election campaign the Swatantra Party had opened its office at his village of Chaklasl, that after the office of the Swatantra Party was opened at the village, only cards had been distributed for the Swatantra Party candidate and except that there was no other propaganda carried on and no pamphlets were distributed. In his evidence in chief itself he has stated that he was against the Congress and in favour of the Swatantra Party. On behalf of the candidate of the Swatantra Party, evidence has been led of Manibhai Chunibhai Amin, his evidence being Exhibit 194. He has stated in the course of his evidence that all the three candidates for the Assembly seat from Uttarsanda constituency were canvassing at Vaso, that on behalf of the Swatantra Party one meeting was held which was addressed by Bhaikaka, that he had attended that meeting and that the Swatantra Party candidate was present at that meeting and that no pamphlets were distributed at that meeting. In the course of his cross-examination he admitted that there was an office of the Swatantra Party run by the youngsters of the village and that he did not know whether this office used to receive literature for propaganda. He however admitted that even after Ramanbhai Ashabhai Patel, the appellant before us, had been declared as a candidate for the Swatantra Party, the canvassing for the election was going on at the village of Vaso through the distribution of pamphlets, that the first respondent had attended at the village only once when he was present at Bhaikaka's meeting, that he might have come across two or three pamphlets issued on behalf of the Swatantra Party, that the office of the Swatantra Party was in the building adjoining the building of the Vaso Co-operative Bank of which he was the managing director, that he had not come across any booklet during the election-campaign and that he had not seen the election manifesto of the Swatantra Party. He however admitted that it was true that in the pamphlets which he had come across it was mentioned that the symbol of the Swatantra Party was the Star of Dhruva. After stating as aforesaid, when annexures "E" to the petition were shown to him (subsequently) marked as Exhibits 71 and 71-A) he stated that he had not come across the same during the campaign. He could not say what pamphlets he had received during the campaign in support of the Swatantra Party.

The Swatantra Party candidate in his evidence has stated that after he got the Swatantra Party ticket no literature of the Swatantra Party was distributed in his constituency, that the pamphlets annexures "D" and "E" to the petition had never been distributed or got distributed by him or by his agent, that his consent was not taken to the propaganda which was conducted by the Swatantra Party, that he was not a member of the Campaign Committee of the Swatantra Party and that neither he nor any of his agents had made any attempts to get votes by using a religious symbol. He has stated that he had not personally called any public meeting after he had filed his nomination paper, that he had attended the meeting at Vaso called by Bhaikaka, that he had also attended another meeting at Uttarsand held by Bhaikaka, that except the aforesaid two meetings he had not attended any other meeting during the election campaign in his constituency, that for appointing polling agents he had to sign blank forms and send them to his local workers and that the local workers would fill in the names of the polling agents on those forms and that he could not say who were working as his agents at a particular booth. In the course of his cross-examination he was asked—whether at the time of the 1957 election he had made any speeches and he replied that in those days he was a member of the Janta Parishad and that in the campaign carried on for the Janta Parishad he had given some lectures. He however stated that he did not give any lecture in connection with the election campaign carried on at the time when he himself stood for election. He stated that he did not know who were the office bearers of the Swatantra Party in Nadiad Taluka even after he had obtained the party ticket and that he did not know whether Amritlal Dave was the President of the Taluka Swatantra Party of Nadiad. He stated that he had no occasion to accompany Amritlal Dave during the election campaign. He admitted that it was true that Amritlal Dave was canvassing for the Swatantra Party in his constituency, that he had no idea whether Amritlal Dave was giving lectures in his constituency, that he did not know when and in what manner Amritlal Dave was working for the Swatantra Party in his constituency, and that he could not give the names of the Swatantra Party workers who canvassed during the election in his constituency. He admitted that he had opened offices for the purpose of carrying on election propaganda at Vaso, Chaklasl and Narsanda. He however stated that it was false to say that

from these offices pamphlets for the Swatantra Party were being distributed. He stated that propaganda literature issued by the Gujarat Swatantra Party was not distributed in his constituency. He thereafter proceeded to state that after he got the Swatantra Party ticket, no literature of the Swatantra Party was distributed in his constituency, but before that, pamphlets were distributed in his constituency. The learned judge, who had the benefit of seeing the witnesses who gave evidence, has stated in the course of his judgment that he believed the witnesses of the Congress candidate when they stated that pamphlets which have been marked as Exhibits 71 and 71-A were distributed in the constituency in question. We are in full agreement with the learned Judge on this point. In connection with the question of the distribution of the literature of the Swatantra Party in the said constituency after the Swatantra Party candidate filed his nomination paper, the learned Judge observed as follows:—

"If a reference is made to the deposition of the first respondent (Swatantra Party candidate), it will be found that according to him, some propaganda literature of the Swatantra Party was distributed in his... constituency before he was finally announced as the candidate of the party, but after such announcement, no such literature was distributed by the Swatantra Party during the course of the campaign. This explanation of the first respondent is absurd on the face of it because if Swatantra Party distributed its literature in his constituency before he was selected as the candidate, there was no reason for that party to refrain from distributing the said literature after the acceptance of the candidature of the first respondent. I therefore see no substance in the plea of the first respondent that after he was declared as the official candidate of the Swatantra Party, the latter ceased to distribute any literature in his support."

Having considered the evidence we concur with the learned Judge's view on this point and do not accept the evidence given by the Swatantra Party candidate in connection with distribution of the literature of the Swatantra Party after he had filed his nomination paper.

The learned Judge has in the course of his judgment further stated as follows:—

"Moreover, the law of agency as contemplated by the Representation of the People Act, is very comprehensive in its nature and therefore if it is found that a particular candidate has contested the election on behalf of a particular party and that his party has taken active interest in the election campaign for his support, it must follow that all those members of the party who worked for him in the election, were his agents, if the candidate allows such agents to distribute any literature in his support, then it should also follow that the candidate concerned has given his implied consent to such distribution. The law on this point is very firmly established and I have discussed it thoroughly in election petition No. 220 of 1962. I therefore do not propose to repeat all that has been stated in that case. In my opinion, therefore, the first respondent would be responsible for the literature distributed by his party in his support, during the course of the election campaign."

The evidence establishes that the Swatantra Party of Gujarat carried on an election campaign in support of the candidates sponsored by it. The election campaign had started prior to 19th January, 1962, the date when the Swatantra Party candidate before us filed his nomination paper. That campaign was continued subsequently. It was as a part of that campaign that the symbol of the Swatantra Party and its candidates has been represented to the electorate as the Star of Dhruva and the campaign has been carried on for appealing to the electors to cast their votes for the Star of Dhruva. The appellant before us, when he accepted the Swatantra Party ticket, knew about the election campaign that had been carried on by the Swatantra Party and the further fact that the Swatantra Party was using for the purpose of its election campaign the Star of Dhruva as its symbol which, as we have already stated, is a religious symbol and who making appeals to such a symbol. The Swatantra Party could be regarded as the agent of the appellant before us for the purpose of carrying on the election campaign and for the purpose of seeing that the candidates sponsored by it came out successfully at the polls. The Swatantra Party could be regarded as a party guilty of corrupt practice in connection with the election. The appellant before us accepted the ticket of that party with the knowledge of its practices. There is no evidence to show that he did not desire that the Swatantra Party should carry on its campaign in his constituency in the manner in which the Swatantra

Party had been doing. The appellant had accepted as his agent the Swatantra Party which to his knowledge was using a religious symbol and was making an appeal to such symbol for the furtherance of the prospects of the election of the candidates sponsored by that party. Having so chosen his agent and knowing that with the day of the poll approaching near, in the ordinary course of the election campaign would grow in momentum, he accepted the Swatantra party ticket, without taking any steps to see that the Swatantra Party did not carry on its election campaign contrary to the requirements of the law. Under the circumstances, he must be regarded as having assented to his agent, the Swatantra Party, continuing to use a religious symbol and appeal to a religious symbol for the purpose of the furtherance of the prospects of the election of the Swatantra Party candidate including the appellant before us, who had accepted the Swatantra Party ticket and for prejudicially affecting the election of other candidates.

Several authorities were cited at the Bar in connection with the law of agency. It is not disputed that the Swatantra Party was the agent of the appellant before us for the purpose of election. What was however contended was that the assent of the appellant before us cannot be implied as regards any acts which constitute corrupt practice on the part of the Swatantra Party from the mere circumstance that the Swatantra Party was the agent of the appellant for the purpose of the election. From the mere fact that an agent may be guilty of corrupt practice one cannot impute consent of the principal thereto. An agent may be guilty of corrupt practice contrary to and even against the express wishes of the principal. What we have to see is whether under the circumstances of the present case, having regard to what the agent had been doing prior to the acceptance of the agency, with every probability of the agent continuing in the same manner as before after the agency had been accepted, it could be said that there was the consent of the principal to the act of corrupt practice committed by the agent when the agent, not being merely the agent of one individual but being the agent of various persons in the State who had been sponsored by the agent, continued its activity as before in the furtherance of the prospects of the election various persons who had accepted its agency and tickets. A reference in this connection has been made to a case reported in 19 Election Law Reports, page 175, in the case of *Nani Gopal Swami vs. Abdu. Hamid Choudhury and another*. It is a decision of a Division Bench of the Assam High Court. Chief Justice Sarjeo Prasad who delivered the judgment of the Court has, in that case held that for the purposes of the Representation of the People Act, 1951, the expression 'agent' had a much wider connotation than it is ordinarily understood to have under the law of contract. Anybody who acts in furtherance of the prospects of the candidate's election may be said to be an agent of the candidate concerned, provided he does so with the consent of the candidate. This consent need not be necessarily an express consent and no written document is necessary. The same may be gathered and implied from the circumstances of the case. An "agent" includes not only a person, who has been specifically engaged by the candidate or his election, agent to work for him in the election, but also a person who does in fact work for him and whose services have been accepted by the candidate. An association of persons or a society or a political party and its prominent members who set up the candidate, sponsor his cause and work to promote his election, may be aptly called the 'agents' or the candidate for election purposes.

In the case of *Inder Lall Yugal Kishore vs. Lal Singh Mukund Singh and others*, reported in A.I.R. 1961 Rajasthan, page 122, Chief Justice Sarjeo Prasad, who had then become the Chief Justice of the High Court of Rajasthan, had to deal with an election matter. He accepted the allegation of the petitioner in that case that the campaign was at the instance of the Nagar Congress Committee with a view to advance the interest of the contesting respondent at the election and that his candidature has been sponsored by the organisation. Following his earlier judgment, which he had given when he was the Chief Justice of the Assam High Court, he held that an association of persons or a Society or a political party or its permanent members who set up a candidate, sponsor his cause, and work to promote his election may be aptly called the agent of the candidate for election purposes and that the District Congress Committee, Chittorgadh and the Nagar Congress Committee there with their secretaries and publicity Secretary were all agents of the contesting respondent in that case. There are some passages in that judgment to which the learned Advocate General has taken exception. It is not necessary for us to consider the same. We are only referring to that case as an authority for the proposition that a party who sponsors the candidature of a candidate at an election could well be regarded as the agent of the candidate for the purpose of the election.

The consent that is required under the provisions contained in section 100(1)(b) can be either express or implied. The consent may be implied from the surrounding circumstances. In the present case, having regard to the facts that have been established, we cannot but come to the conclusion that the use of a religious symbol and the appeal to a religious symbol for the furtherance of the prospects of the election of the Swatantra Party candidate and for prejudicially affecting the election of the other candidates had been made with the consent of the Swatantra Party candidate before us.

The learned Advocate General has very forcibly argued that the consequences of holding that the election is void on the ground that a corrupt practice has been committed, would be to place the person found guilty of such corrupt practice under the disabilities provided by the Act. He urged that the proceeding in this connection was a quasi criminal proceeding and that we must be satisfied beyond reasonable doubt that the appellant before us was guilty of corrupt practice or that corrupt practice had been committed by any other person with the consent of the appellant. The Supreme Court has, in the case reported in 12 Election Law Reports, page 461, in the case of Harischandra Bajpai vs. Triloki Singh held that the charge of corrupt practice was of a quasi criminal character. Bearing that in mind, we have carefully considered whether the corrupt practice committed by the Gujarat Swatantra Party in the present case could be regarded as having been committed with the consent of the appellant before us. As we have already observed, it is not necessary that express consent has to be proved. The consent may be implied. The circumstances in the present case adverted to by us leave no room for doubt in our minds that the appellant before us had consented to the commission of the corrupt practice by the Gujarat Swatantra Party which had sponsored his candidature and whose ticket he had accepted.

There are several other points on which the election of the Swatantra Party candidate had been challenged before the Election Tribunal. Mr. Daru, the learned advocate for the first respondent before us, has been content with arguing the case of the first respondent before us on the basis of a corrupt practice being committed by the Swatantra Party with the consent of the Swatantra Party candidate. He has not pressed the other points as other arguments into service. The matter is an election matter and if we had found it necessary we would have gone into other matters, but it is not necessary for us to do so in view of our decision that the election is liable to be declared void by reason of the corrupt practice that has been committed at the election with the consent of the appellant before us.

The learned advocate Mr. Amin for the second respondent before us supported the contention of the appellant before us in connection with his client's age. He also sided with the appellant in contesting the claim advanced on behalf of the first respondent before us that the election was liable to be declared void on account of the aforesaid corrupt practice having been committed with the consent of the appellant. He urged that Hinduism as such cannot be regarded as a religion, that there was no religion of Dhruva, that the reference in mythology to Dhruva was purely allegorical and in picturesque language represented the movements of various stars, that Vishnu Puran broadly understood represented history, geography and astronomy and that it cannot be said that there was use made of any symbol which could be regarded as a religious symbol or that there was an appeal to a religious symbol. According to him, Dhruva represented the Polar star and the description of Dhruva was a description of what the Polar star stood for and that the appeal was to the qualities of a star and not to the qualities of any individual. He said that in order to constitute a symbol into a religious symbol it must represent some religion by association of ideas. He said that the Cross may represent Christianity, the crescent and a star may represent Islam, but the Star of Dhruva represents no religion. For the reasons stated by us in the earlier part of the judgment, we cannot accept the argument of Mr. Amin on this point that in order that a symbol may be a religious symbol it should represent some recognised religion. We are unable to accept the contention that in converting the star of no appeal into the Star of Dhruva, the Swatantra Party had not converted a secular symbol into a religious one.

Under the circumstances, we dismiss the appeal and confirm the order declaring the election of the appellant to be void on grounds stated in our judgment. We direct that the substance of the decision be communicated forthwith to the Election Commission and the Speaker of the Gujarat Legislative Assembly and that an authenticated copy of the decision be sent to the Election Commission.

As regards costs the appellant has succeeded in establishing that the second respondent was duly qualified to stand for election. The appellant has lost.

on the ground of corrupt practice committed with his consent. The fair order under the circumstances to make would be that each party should bear and pay its own costs throughout.

By Order of the Court,

Sd./- R. L. DAVE,

9-5-1963.

Deputy Registrar.

[No. 82/216/62.]

S.O. 1911.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Abdul Rab, Village—Dingarpur, P.O.—Kundarki, District—Moradabad	6—Amroha

[No. UP-HP/6/63-Bye(1)17839.]

S.O. 1912.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 have in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule *failed to lodge their account of election expenses in the manner* required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
1. Shri Ali Bahadur Khan, XI/4102, Urdu Bazar, Delhi.	6—Amroha
2. Shri Ram Parsad, Ismail Road, Asalatpura, Moradabad	6—Amroha
3. Shri Boota Ram, Asalatpura Bhoora (C-43), Moradabad	6—Amroha

[No. UP-HP/6/63-Bye(2)17815.]

New Delhi, the 4th July 1963

S.O. 1913.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge his account of election expenses within the time required by law* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Balkrishan Vishwanath Keskar, 3-Kushak Road, New Delhi.	68-Farrukhabad.

[No. UP-HP/68/63-Bye(3).]

S.O. 1914.—Whereas the election of Shri Mahadev Prasad as a member of the House of the People from the Mahara]ganj constituency of that House was called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Shibban Lal Saxena, s/o Babu Chhotey Lal, 64-D, Main Bazar, Gorakhpur, Uttar Pradesh;

And whereas by its notification No. 82/304/62 dated the 21st June, 1962, the Election Commission appointed Shri Kuber Nath Srivastava, District Judge, Gorakhpur, to be the member of the Election Tribunal constituted for the trial of the said petition;

And whereas an application was filed by Shri Shibban Lal Saxena for withdrawal of the said election petition from Shri Kuber Nath Srivastava and its transfer to another tribunal and whereas the Commission issued notices to the parties under section 89 of the said Act and perused the replies of the parties concerned;

Now, therefore, in exercise of the powers conferred by the said section 89 of the Act, the Election Commission hereby withdraws the said election petition pending before the said Tribunal and transfers the same for trial to another election tribunal which is hereby constituted of Syed Sibete Hasan Rizvi, District Judge, Basti as the member thereof. The Commission further appoints Gorakhpur as the place where the trial of the said petition shall be held.

[No. 82/304/62.]

By Order,

A. N. SEN, Under Secy.

New Delhi, the 4th July 1963

S.O. 1915.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby designates the Development Commissioner of the Union Territory of Goa, Daman and Diu, to be the returning officer for each of the Parliamentary Constituencies in that Union Territory.

[No. 434/GOA/63(1).]

New Delhi, the 4th July 1963

S.O. 1916.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/AP/62, dated the 5th September, 1962, namely:—

In the Table appended to the said notification for the existing entries in column 2 against the items No. 8, 10, 15, 18, 27 and 29 the following shall be substituted, namely:—

8. Collector, East Godavari, Kakinada.
10. Collector, West Godavari, Eluru.
15. Collector, Guntur.
18. Collector, Nellore.
27. Collector, Kurnool.
29. Collector, Mahbubnagar.

[No. 434/AP/63.]

New Delhi, the 6th July 1963

S.O. 1917.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission, in consultation with the Government of Pondicherry, hereby designates the Special Officer (Elections), Pondicherry, to be the Returning Officer for the Parliamentary Constituency in the Union Territory of Pondicherry.

[No. 434/POND/63(1).]

S.O. 1918.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints the following officers to assist the Returning Officer for the Parliamentary Constituency in the Union Territory of Pondicherry, in the performance of his functions:—

- (i) Inspecteur des Contributions, Pondicherry.
- (ii) Chef du Bureau du Cadastre, Pondicherry.
- (iii) Controleur des Contributions, Pondicherry.
- (iv) Controleur des Contributions, Oulgaret.
- (v) Controleur des Contributions, Bahur.
- (vi) Administrator, Karikal.
- (vii) Administrator, Mahe.
- (viii) Administrator, Yanam.

[No. 434/POND/63(2).]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 2nd July 1963

S.O. 1919.—In pursuance of sub-clause (i) of clause (c) of sub-section (2) of section 3 of the Destruction of Records Act, 1917 (5 of 1917), the Central Government hereby specially authorises the Lt. Governor of the Union territory of Himachal Pradesh to make rules for the disposal of the documents referred to in that sub-clause in relation to that Union territory.

[No. F. 16/60/63-Him.]

BISHAN CHANDRA, Under Secy.

New Delhi, the 6th July 1963

S.O. 1920.—Whereas the Central Government is of opinion that it is necessary and expedient in the public interest to exempt certain classes of persons from the operation of some of the provisions of the Arms Act, 1959 (54 of 1959);

Now, therefore, in exercise of the powers conferred by section 41 of that Act, the Central Government hereby exempts the classes of persons specified in column 1 of Schedule 1 here to annexed, in respect of the arms and ammunition of the category or description specified in column 2 thereof when carried or possessed for their own personal use, from the operation of such of the provisions of the said Act and subject to such conditions as are mentioned in column 3 and 4 respectively of that Schedule.

Provided that the exemption hereby granted shall be subject to the following further conditions, namely:—

- (a) It shall be valid for a period ending 31st May, 1965.
- (b) it shall not be deemed to render lawful the import of arms or ammunition through the medium of post office;
- (c) the classes of persons exempted shall—
 - (i) unless specifically exempted by the Central Government by notification in the Official Gazette, register in such manner and at such place as the Central Government may prescribe from time to time, any fire-arm or ammunition in respect of which the exemption has been granted;
 - (ii) render such statistical information about different description of arms and ammunition in respect of which the exemption has been granted in such proforma, if any, as may be required by the Central Government;
 - (iii) whenever any arm or ammunition in respect of which exemption has been granted is stolen, forthwith report the occurrence of such loss or theft together with the details of the articles lost or stolen at the nearest police station.

SCHEDULE

Classes of Persons.	Categories/descriptions of arms and ammunition.	Provisions of the Act.	Conditions.
I	2	3	4
Every person of Coorg race and every Jumma tenure holder in Coorg.	All except categories I and II of Schedule I to the Arms Rules, 1962.	Those contained in sections 3 and 4.	The arms or ammunition carried or possessed by any person herein exempted whilst residing or travelling outside the district of Coorg shall not exceed one rifle with 100 rounds of ammunition for the same and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent in leaden shot and gunpowder.

2. In the Table appended to the Ministry of Home Affairs Notification No. F. 15/13/59 (VI)-PIV, dated 13th July, 1962 (G.S.R. No. 993 published in the Gazette of India, Part II, Section 3(i) dated the 28th July 1962), clause (b) in column 3 against Item 7 thereof shall be deleted.

[No. F. 17/4/62-P.IV.]

L. I. PARIJA, Dy. Secy.

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 1st July 1963*

S.O. 1921.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. These rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1963.
2. In the General Provident Fund (Central Services) Rules, 1960, in the first proviso to rule 17, for the words "before the withdrawal" occurring in clause (2), and for the words "date of withdrawal" occurring in clause (3), the words "before the date of application or presentation of claim for withdrawal" and the words "date of application or presentation of claim for withdrawal", shall respectively be substituted

[No. F. 7(1)-E.V(B)/62(G.P.F)]

S.O. 1922.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely:—

1. These rules may be called the Contributory Provident Fund (India) Second Amendment Rules, 1963.
2. In the Contributory Provident Fund Rules (India), 1962, in the first proviso to rule 19, for the words "before the withdrawal" occurring in clause (2), and for the words "date of withdrawal" occurring in clause (3), the words "before the date of application or presentation of claim for withdrawal" and the words "date of application or presentation of claim for withdrawal", shall respectively be substituted.

[No. F. 7(1)-EV(B)/62C.P.F.).]

N. S. CHANDRAMOWLI, Under Secy.

(Department of Expenditure)*New Delhi, the 2nd July 1963*

S.O. 1923.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the Rules regulating the Workmen's Contributory Provident Fund as instituted under the Government of India, late Finance Department, Resolution No. F. 33(3) RII/44, dated the 16th April, 1945, and as amended from time to time, namely:—

In the said Resolution, after the Note under sub-para (2) of paragraph 2, the following sub-paragraph shall be inserted, namely:—

- "(2-A) Accounts Officer for the purpose of these rules means such officer as may be appointed by the Comptroller and Auditor General or the Pay and Accounts Officer where a separate Pay and Accounts Officer exists except that in relation to workmen whose accounts are maintained departmentally, the Accounts Officer shall be such officer, as may be appointed in this behalf by the Government."

[No. F. 12(1)-EVB/63]

K. P. SIRCAR, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 3rd July 1963

S.O. 1924.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949) and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the undernoted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 31st December, 1962, together with the auditors' reports, in a newspaper.

1. The Bank of Alagapuri Ltd., P. Alagapuri.
2. The Bhagavathi Vilasam Nayar Bank Ltd., Nayarambalam.

[No. F. 15(19)-BC/63.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)

New Delhi, the 8th July 1963

MARINE INSURANCE ACT, 1963 (11 of 1963)

S.O. 1925.—In exercise of the powers conferred by sub-section (2) of section 1 of the Marine Insurance Act, 1963 (11 of 1963), the Central Government hereby appoints the 1st day of August, 1963, as the date on which the said Act shall come into force.

[No. F. 57(11)-Ins.I/59.]

V. P. MITHAL, Under Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 13th July 1963

S.O. 1926.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the Collector of Customs, Bombay to be the Collector of Customs, and the Assistant Collector of Customs, Bombay to be the Assistant Collector of Customs, for the purposes of all Warehouses situated in the Warehousing Stations of Thana and Manpada.

[No. 172.]

M. G. VAIDYA, Under Secy.

CENTRAL BOARD OF REVENUE

ESTATE DUTY

New Delhi, the 8th July 1963

S.O. 1927.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board

of Revenue hereby makes the following amendment in its Notification No. 72/F. No. 21/64/61-ED, dated the 23rd December, 1961, namely:—

In the Schedule to the said Notification, for Serial No. 2 and the entries relating thereto, the following shall be substituted, namely:—

S. No.	Name of the Circle	Jurisdiction
1	2	3
	"2. Estate Duty-cum-Income-tax Circle, Kakinada.	West Godavary, East Godavary, Vishakhapatnam, Srikakulam and Khammameth of the Andhra Pradesh State and the territory of Yanam in the Union territory of Pondicherry."

2. This Notification shall be deemed to have come into force on the 1st day of July, 1963.

Explanatory Note

(This note is not part of the Notification but is intended to be merely clarificatory).

This Notification has become necessary due to the shifting of the headquarters of the Estate Duty-cum-Income-tax Circle, Vishakhapatnam from Vishakhapatnam to Kakinada.

[No. 16/F. No. 21/87/63-ED.]

P. K. GHOSH, Under Secy.

CUSTOMS

New Delhi, the 29th June 1963

S.O. 1928.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Revenue hereby declares village Manpada, Taluka Kalyan, District Thana, in the State of Maharashtra to be a Warehousing Station.

[No. 173.]

M. G. VAIDYA, Under Secy.

CUSTOMS

New Delhi, the 13th July 1963

S.O. 1929.—In exercise of the powers conferred by section 157 of the Customs Act, 1962 (52 of 1962), read with section 18 of the said Act, the Central Board of Revenue makes the following regulations, namely:—

1. **Short title.**—These regulations may be called the Customs (Provisional Duty Assessment) Regulations, 1963.

2. **Conditions for allowing provisional assessment.**—Where the proper officer on account of any of the grounds specified in sub-section (1) of section 18 of the Customs Act, 1962 (52 of 1962), is not able to make a final assessment of the duty on the imported goods or the export goods, as the case may be, he shall make an estimate of the duty that is most likely to be levied, hereinafter referred to as the provisional duty. If the importer or the exporter, as the case may be, executes a bond in an amount equal to the difference between the duty that may be finally assessed and the provisional duty and deposits with the proper officer such sum not exceeding twenty per cent of the provisional duty, as the proper officer may direct, the proper officer may assess the duty on the goods provisionally at an amount equal to the provisional duty.

3. **Terms of the bond.**—(a) Where provisional assessment is allowed pending the production of any document or furnishing of any information by the importer or the exporter, as the case may be, the terms of the bond shall be that such document shall be produced or such information shall be furnished within one month or within such extended period as the proper officer may allow, and the person executing the bond shall pay the deficiency, if any, between the duty finally assessed and the duty provisionally assessed.

(b) Where provisional assessment is allowed pending the completion of any test or enquiry, the terms of the bond shall be that the person executing the bond shall pay the deficiency, if any, between the duty finally assessed and the duty provisionally assessed.

4. **Surety or security of the Bond.**—The proper officer may require that the bond to be executed under these regulations may be with such surety or security, or both, as he deems fit.

[No. 181/F. No. 4(5)/63-CAR.]

S. VENKATESAN, Secy.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE, KANPUR

NOTICE

Kanpur, the 15th June 1963

S.O. 1930.—Whereas it appears that Shri Himmat Lal, Goldsmith had transferred 49.450 grammes of Primary gold to M/s Bhagat Ram Jai Narain, Bankers and Jewellers, Birhana Road, Kanpur on 23rd January, 1963, thereby contravening the provisions of Rule 126-II(3) of Defence of India (Amendment) Rules, 1963. The Deputy Superintendent (Preventive) of Central Excise, Kanpur had seized the said gold from M/s Bhagat Ram Jain Narain on 5th February, 1963 for contravention of the said Rule by them also.

2. A notice was issued to Shri Himmat Lal on 1st May 1963 but this could not be served on him as his address was not available and it could not be ascertained despite efforts made by the Departmental Officers.

3. Shri Himmat Lal is required to show cause to the Assistant Collector of Central Excise, Kanpur why the seized gold in respect of which the offence appears to have been committed, may not be confiscated under Rule 126-M(1) of Defence of India (Amendment) Rules, 1963.

4. In case Shri Himmat Lal fails to turn up or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, New Delhi, the gold in question will be confiscated to the Government of India.

[No. C 333/63/20541.]

C. L. BERI, Asstt. Collector.

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 5th July 1963

S.O. 1931.—In exercise of powers conferred by sub-section (1) of section 11 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), and rule 13 of the Indian Standards Institution (Certification Marks) Rules, 1955 and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. 2491, dated 24th July, 1957, the Central Government, in consultation with the Indian Standards Institution, hereby directs that any power exercisable by the said Institution under clause (e) of section 3 of the said Act, shall be exercisable also by the Industrial Adviser (Chemicals), Directorate General of Technical Development, Ministry of Economic and Defence Co-ordination in respect of plywood including plywood for tea-chest and commercial and moisture-proof plywood manufactured in India.

[No. 23(22)/63-TMP.]

HARGUNDAS, Under Secy.

ORDER

New Delhi, the 5th July 1963

S.O. 1932.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 3 and 4 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Central Advisory Council for a period of two years from the date of this Order, in place of members whose term has expired by efflux of time or otherwise :—

Serial No.	Name and address of the Member	Interest represented	Chairman/Member
1	2	3	4
1	Minister of Commerce & Industry		Chairman
2	Lala Bharat Ram, President, Federation of Indian Chambers of Commerce & Industry, Federation House, New Delhi-1	'Owners'	Member
3	A. R. Foster, Esq., President, The Associated Chambers of Commerce of India, Royal Exchange, Calcutta.	Do.	Do.
4	Mr. J. R. D. Tata, Tata Industries Private Ltd., Bombay House, Bruce Street, Fort, Bombay-1.	Do.	Do.
5	Shri K. K. Birla, 15, India Exchange Place, Calcutta-1.	Do.	Do.
6	Shri Keshub Mahindra, Mahindra & Mahindra Ltd., Gateway Building, Apollo Bunder, Bombay-1.	Do.	Do.
7	Shri Arvind N. Mafatlal, Mafatlal House, Back Bay Reclamation, Bombay-1.	Do.	Do.
8	Shri S. L. Kirloskar, Chairman, Kirloskar Oil Engines Ltd., Elphinstone Road, Poona-3.	Do.	Do.
9	Shri T. S. Krishna, T. V. Sundram Iyengar & Sons Private Ltd., P. B. No. 21, Madurai.	Do.	Do.
10	Shri B. V. D. Menon, The Aluminium Industries Ltd., 'Bhakti Vilas', Kalamasseri P. O. Via Alwaye, South India	Do.	Do.
11	Shri Neville N. Wadia, Neville House, Ballard Estate, Bombay-1.	Do.	Do.
12	Shri Abhijit Sen, Sen Raleigh Industries of India Ltd., Mercantile Buildings, Lall Bazar, Calcutta-1.	Do.	Do.
13	Shri V. S. Kudva, Technical Director, The Canara Workshops Ltd., Mangalore-3.	Do.	Do.
14	Shri K. C. Maitra, C/o Sankey Electrical Stampings Ltd., P.O. Box No. 121-A, Bombay.	Do.	Do.
15	N. M. Wagle, Esq., Greaves Cotton & Co. Ltd., 1, Forbes Street, Bombay-1.	Do.	Do.
16	J. V. Jardine Paterson, Esq., Chairman, Indian Jute Mills Association, Royal Exchange, Calcutta-1.	Do.	Do.
17	Shri N. B. Prasad, 28, Sarojini Devi Road, Secunderabad-26 (Andhra Pradesh)	Do.	Do.
18	Shri S. R. Vasavada, General Secretary-INTUC, Gandhi Mazoor Sevalaya, Bhadra, Ahmedabad.	'Employees'	Do.
19	Shri Michael John, Vice-President, INTUC, 17, K. Road, Jamshedpur	Do.	Do.
20	Shri Manohar Kotwal, General Secretary, Hind Mazdoor Sabha, National Headquarters, 167, Frere Road, Bombay-1	Do.	Do.
21	Shri K. G. Sriwastava, Secretary, All India Trade Union Congress, Rani Jhansi Road, New Delhi-1.	Do.	Do.
22	Shri M. P. Bhargava, M.P., 1203, Bagh Muzaffar Khan, Agra (U.P.).	'Consumers'	Do.
23	Mrs. Rakhha Saran, 59, Sundar Nagar (Ground Floor), New Delhi.	Do.	Do.
24	Shri P. R. Ramakrishnan, M.P., 38, Mount Road, Madras-6.	Do.	Do.
25	Dr. A. Ramaswamy Mudaliar, 'India Steamship House', 21, Old Court House Street, Calcutta-1.	'Producers'	Do.
26	Shri N. Mahalingam, "Sakthi Nilyam", Pollachi, (Madras State).	Do.	Do.

ORDER

New Delhi, the 8th July 1963

S.O. 1933/IDRA/6/6.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Gopeshwar, to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1677-IDRA/6/6 dated the 17th June, 1963, for the scheduled industries engaged in the manufacture or production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters and the like), storage batteries, dry batteries, telephones, telegraph equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment, television sets, teleprinters, air-conditioners and refrigerators, electricity meters and panel instruments, till the 16th June, 1965 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 27 relating to Shri Jayant Gadkari, the following entry shall be inserted, namely:—

28. Shri Gopeswar, Asansol Iron & Steel Workers' Union, Bari Manzil, Burnpur (Distt. Burdwan).

[No. 1(6)/L.Pr./63.]

CORRIGENDUM

New Delhi, the 8th July 1963

S.O. 1934.—In the Ministry of Commerce and Industry Order No. S.O. 1677 IDRA/6/6, dated the 17th June, 1963, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 22nd June, 1963:—

For 13. Shri S. V. Devarajan, 23, Bhagat Singh Market, New Delhi.

Read 13. Shri S. V. Devarajan, 127, 8th Cross Road, N. R. Colony, Bangalore-19.

[No. 1(6)/L.Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

(Department of International Trade)

ORDER

EXPORT TRADE CONTROL

New Delhi, the 13th July 1963

S.O. 1935.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following further amendments to the Exports (Control) Order, 1942, namely:—

(i) In Part A of Schedule I to the said Order, after item 14, the following shall be added:—

"15. Raw Goat skin 0.914 metre and more in length or 0.56 square metre in area and above".

(ii) In Part B of Schedule I to the said Order, the entry 8 shall be substituted by the following entry:—

"8. Hides and skins, raw, excluding cuttings, shavings, trimmings and fleshings and also excluding 'raw goat skin 0.914 metre and more in length or 0.56 square metre in area and above'."

[No. E(C)O, 1962/AM(31).]

MELA RAM BHARDWAJ, Under Secy.

[Branch Secretaria (Textiles)]

Bombay, the 21st June 1963

S.O. 1936.—In exercise of the powers conferred by sub-clause (1) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government

hereby directs that from 1st August, 1963, the packing of yarn intended for export shall conform to the specifications specified below:

Yarn in Hanks.—Starting from the innermost layer, the bales containing bundles of yarn in hanks shall be packed as follows:

- (i) One layer of kraft paper or Fents,
- (ii) One layer of light hessian of 0.227 kg. (8 oz.) or Fents or Chaial or Palm leaf matting,
- (iii) One layer of waterproof paper,
- (iv) One layer of kraft paper and light hessian interlined with bitumen

or

Two layers of Jute Union water-proof packing paper as per Indian Standards Code No. IS-293-1951 for Seaworthy packing except that while no jute twine reinforcement is provided for in the said specification, there shall be such reinforcement in the waterproof paper actually used.

- (v) One layer of hessian 0.397 kg. (14 oz.):

Provided that in the case of yarn of counts 60s and above, each of the bundles shall, in addition to the specifications mentioned above, be wrapped with a layer of kraft paper and the bundles of yarn so wrapped are tied with strings after placing card boards at the top and bottom of them so as to form a rectangular parcel.

NOTE.—Yarn in hanks shall be made into hundles weighing 4.54 kgs. (10 lbs.) each in a bundling press, provided, however, in the case of yarn of counts 60s and above the hanks may be made into bundles weighing 2.27 kgs. (5 lbs.) each. The yarn may be packed in any other form if so desired by the foreign importer (as per contract made with him) but details of all such deviations from the standard packing should be reported to the Textile Commissioner (Control Section of his office at Bombay).

Layers of packing materials as specified above shall be of sufficient size to cover, with suitable overlap, the entire package containing the bundles of yarn when under pressure. The layer of hessian specified above shall be of sufficient size and so laid that the hessian can be properly and securely sewn around the bale when under pressure.

2. Bales shall be bound both lengthwise and widthwise with flat steel straps of not less than 1.6 cm. (5/8") in width and of minimum 20 gauge thickness, painted with one coat of Primine Red Oxide or Red Lead paint and protected with hessian bits wrapped round the rivetted portion of the hoops.

The two outside straps shall be placed approximately 10 cms (4") from each edge and the intermediate straps shall be approximately equidistant from each other and the end straps.

The space between the two adjacent straps Lengthwise or widthwise shall not be more than 12.5 cm. (5").

3. Four selected pieces of split bamboo or wooden slats of minimum 3.81 cm. wide \times 1.27 cm. (1 1/4" \times 1/2") thick which have been given antitermite treatment, shall be placed at the four longer edges of the bales.

4. The bales shall be of regular shape and sufficiently strong to withstand rough handling without any damage or slippage of contents or sagging of the bale in transit.

5. In the case of yarn in cones, cheeses or spools, each such cone, cheese or spool shall be wrapped in kraft paper and packed in wooden cases which have been given antitermite treatment, in the manner specified below:

- (i) One layer of medium hessian of 0.312 kg. (11 oz.) laid in the wooden case as a liner next to the inner surface of the case;
- (ii) One layer of waterproof paper.

NOTE.—The layer of waterproof paper shall be sufficiently laid inside the wooden case so that when the same is folded over the yarn cones or cheeses or spools, the top layer of the packed materials is covered

with suitable overlapping. The layer of hessian as specified above shall then be folded over the waterproof paper and the ends of hessian stitched together with double jute twine before the wooden case is closed with the top plank.

6. Wooden case shall be of suitable size made of sound timber planks of sufficient thickness and shall be strengthened with 16 wooden battens nailed to it in the following arrangement:

- (a) eight battens, one along each of the eight edges of the two smaller sides of the case;
- (b) eight battens in two rows (4 in each row) running around the other four sides of the case.

NOTE.—Nails of suitable size shall be used in making up the case as well as in nailing the battens as prescribed above. For fixing battens the length of nails should be sufficient to allow for clinching. The space between the nails should be such as to render the planks of the case securely fastened. The inside of the case shall be free from protruding splinters and nails.

7. The outer surfaces of the case shall be sufficiently smooth to permit legible markings.

8. Wooden cases shall be strapped in the manner specified below with steel straps of not less than 1.6 cm. (5/8") in width and of minimum 20 gauge thickness painted with one coat of primine Red Oxide or Red Lead paint.

9. Three or more steel straps of suitable length running between and parallel to the wooden battens, and two or more steel straps running at right angles to the battens, shall be placed around the wooden case and their ends securely fastened.

Antitermite treatment for split bamboo, wooden slats or wooden cases as specified in this notification shall be done in accordance with the methods prescribed in the "Indian Standard-Code of Practice for Preservation of Timber (Tentative) IS-401-1954" as amended from time to time.

10. The waterproof paper used in the packing of yarn in accordance with this Notification shall conform to such specifications and tests as are prescribed for this paper in the Ministry of Commerce and Industry Notification No. S.R.O. 1317 dated the 9th June, 1956.

[No. F. 3(1)/63-Control.]

S.O. 1937.—In exercise of the powers conferred by Sub-clause (1) of Clause (5) of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Commerce and Export Trade Control No. 67-CW(25A)/48, dated the 26th March, 1949, namely:

In sub-paragraph (b) of para 6 of the said notification, item (i) shall be deleted and the subsequent items (ii) to (viii) shall be renumbered as (i) to (vii).

[No. F. 3(3)/63-Control.]

I. R. KAKAR, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports, Calcutta)

Calcutta, the 7th June, 1963

S.O. 1938.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A645902/61/AU/CC/C, dated 17th August, 1962 valued at Rs. 387 for the import of ball bearing of 1" in bore and ball bearing above 1" in bore (Sr. No. 19(I) (I)-II and 19(I) (III)-II) from the General Area Except South and South West Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Metallic Product Industries (India) Kot Kaulias Rai. Batala unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta, within ten days of the date of issue of this notice by the said

M/s. Metallic Product Industries (India) Kot Kuljas Rai, Batala or any Bank or any other party, who may be interested in it. It is noticed that the licence indicated above has apparently been obtained by misrepresentation of facts.

In view of what is stated above M/s. Metallic Product Industries (India) Kot Kuljas Rai, Batala, or any Bank, or any other party, who may be interested in the said licence No. A645902/61/AU/CCI/C, dated 17th August, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 254/62/CDN.]

AMAR KANTA SEN,

Joint Chief Controller of Imports & Exports.

(Office of the Deputy Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 3rd April 1963

S.O. 1939.—Whereas M/s. Mitterpal Duggal, 7, Subzimandi, Delhi-6, had obtained a licence No. E 113742/62/EI/CCI, dated 24th October, 1962, for Rs. 5,000 for import of Fresh Fruits from Pakistan from the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi, by misrepresentation.

Whereas the Deputy Chief Controller of Imports and Exports, issued Notice No. Genl/345/AM-63/Pol/CLA/1145, dated 8th March, 1963 to the Licensee calling upon them to show cause against the Cancellation of the said licence under clause 9 of the Imports (Control) Order, 1955.

Whereas M/s. Mitterpal Duggal, 7, Subzimandi, Delhi-6, have not furnished any sufficient ground or cause against the Notice of the Cancellation of the licence in question.

Whereas M/s. Mitterpal Duggal, 7, Subzimandi, Delhi-6, have already utilised the said licence to the extent of Rs. 2,000.

Now, therefore, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi, hereby renders the said licence No. E 113742/62/EI/CCI, dated 24th October, 1962, ineffective to the extent of Rs. 2,500 and in pursuance of this order, the said licence shall not be valid for the import of any goods for an amount upto Rs. 2,500.

M/s. Mitterpal Duggal,
7-Subzimandi,
Delhi-6.

[No. Genl/345/AM-63/Pol/CLA.]

New Delhi, the 4th June 1963

S.O. 1940.—Whereas M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir) or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. DCCI/I(CLA)/237/62/1324 dt. 17-5-63 proposing to cancel Licence No. A 667142/61 dt. 2-2-62 for import of Sewing Machine Parts for Rs. 10,000/- granted to said M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir) by the Deputy Chief Controller of Imports and Exports (Central Licensing Area) Jan Path Barracks 'B' New Delhi Govt. of India in the Ministry of Commerce and Industry in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No. A667142/61 dt. 2-2-62 issued to M/s. Saroj Industries, Industrial Estate, Srinagar (Kashmir).

M/s. Saroj Industries,
Industrial Estate,
Srinagar (Kashmir).

[No. DCCI/I(CLA)/237/62.]

NOTICES

New Delhi, the 8th March 1963

S.O. 1941.—It is hereby notified, that in exercise of the powers conferred by clause-9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the import Licence No. E 118742/62/EI/CCI, dated 24th October, 1962, valued at Rs. 5,000 for import of Fresh Fruits from Pakistan, granted by the Deputy Chief Controller of Imports & Exports (Central Licensing Area), New Delhi to M/s. Mitterpal Duggal, 7, Subzimandi, Delhi, unless sufficient cause against this is furnished to the Deputy Chief

Controller of Imports & Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Mitterpal Duggal, 7, Subzimandi, Delhi, or any Bank or any other party, who may be interested in it.

2. The grounds of the proposed cancellation of the licence in question are that M/s. Mitterpal Duggal, Subzimandi, Delhi, were granted the licence through inadvertance due to their filling an application based on the past imports which were outside the basic period.

3. In view of what is stated above, M/s. Mitterpal Duggal, 7, Subzimandi, Delhi, or any Bank or any other party, who may be interested in the said licence No. E113742/62/EI/CCI, dated 24th October, 1962, are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports & Exports (Central Licensing Area), Janpath Barracks 'B', New Delhi-I.

M/s. Mitterpal Duggal,
7, Subzimandi,
Delhi-6.

[No. Genl/345/AM-63/Pol/CLA.]

New Delhi, the 9th May, 1963

S.O. 1942.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel the Import Licence No. E 109686/62/EI/CCI/D/QL-IV/NQQ/ADHOC, dated 27th December, 1962 valued at Rs. 500/- for Import of Crude Drugs list in Annexure-I and II of List-III Appendix 19 of the Red Book for AM-63 period, from Iran, granted by the Deputy Chief Controller of Imports & Exports, (Central Licensing Area), New Delhi to M/s. Kataria Trading Company, Majith Mandi, Amritsar, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, (Central Licensing Area) New Delhi within ten days of the date of issue of this notice by the said M/s. Kataria Trading Company, Majith Mandi, Amritsar, or any Bank, or any other party, who may be interested in it.

2. The grounds of the proposed cancellation of the licence in question are that the said licence was granted to the firm through inadvertance and the issue of the said licence was contrary to Rules as covered by Sub-Clauses (a) & (b) of Clause 9 of the Import (Control) Order, 1955.

In view of what is stated above, M/s. Kataria Trading Co., Majith Mandi, Amritsar, or any Bank, or any other party, who may be interested in the said licence No. E 109686/62/EI/CCI/D/QL-IV/NQQ/ADHOC dated 27th December, 1962 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports & Exports (Central Licensing Area) Janpath Barracks 'B', New Delhi-I.

M/s. Kataria Trading Company,
Majith Mandi,
Amritsar.

[No. Genl/336/AM-63/Pol/CLA.]

New Delhi, the 13th July 1963

S.O. 1943.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Govt. of India, in the Ministry of Commerce & Industry propose to cancel the Import Licence No. A573998/62 dated 18th January, 1963 valued at Rs. 831/- for the import of Radio Parts granted by Dy. Chief Controller of Imports & Exports (Central Licensing Area) N. Delhi to M/s. Neelam Radio and Electric Corporation, 2/9, Moti Nagar, N. Delhi-15 unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area) N. Delhi within ten days of the date of issue of this Notice by the said M/s. Neelam Radio & Electric Corporation, 2/9, Moti Nagar, New Delhi, or any Bank or any other party who may be interested in it.

2. The grounds of the proposed cancellation of the licence in question are that the licence No. A573998/62 dated 18th January, 1963 was obtained by the firm by misrepresentation.

3. In view of what is stated above M/s. Neelam Radio and Electric Corporation, 2/9, Moti Nagar, New Delhi or any Bank or any other party who may be interested in the said licence No. A 573998/62 dated 18th January, 1963 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Dy. Chief Controller of Imports & Exports (Central Licensing Area) N. Delhi.

M/s. Neelam Radio & Electric Corporation,
2/9, Moti Nagar,
New Delhi-15.

[No. DCCI/CLA/58/63.]

S.O. 1944.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, the Government of India, the Ministry of Commerce and Industry propose to cancel the following three licences: No. A610495/62, dated 6th August, 1962 for Rs. 1,000 for import of Dies, (2) A612073/61 dated 4th May, 1962 for Rs. 500 for import of Rasps and (3) A612074/61 dated 4th May, 1962 for Rs. 250 for import of Adjustable Hand Reamers granted by the Dy. Chief Controller of Imports & Exports (Central Licensing Area), New Delhi, to M/s. Metallic Product Industries (India) Kot Kuljas Rai, Batala, unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports & Exports (Central Licensing Area) New Delhi within ten days of the date of issue of this Notice by the said M/s. Metallic Product Industries (India) Kot Kuljas Rai, Batala or any other party, who may be interested in it.

2. The grounds of the proposed cancellation of the Licences in question are that these three licence Nos. A610495/61 dated 6th August, 1962 (2) A612073/61 dated 4th May, 1962 and (3) A612074/61 dated 4th May, 1962 were obtained by the firm on misrepresentation.

3. In view of what is stated above the said M/s. Metallic Product Industries (India) Kot Kuljas Rai, Batala or any Bank or any other party who may be interested in the said three Licences No. (1) A610495/61, dated 6th August 1962 (2) A612073/61 dated 4th May, 1962 and (3) A612074/61 dated 4th May, 1962 are hereby directed not to enter into any commitments against the said licences and return the same to the Dy. Chief Controller of Imports & Exports (Central Licensing Area) New Delhi-1.

M/s. Metallic Product Industries,
(India) Kot Kuljas Rai, Batala.

[No. DCCI.I (CLA) /327/63.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports & Exports.


(Indian Standards Institution)


New Delhi, the 28th June 1963

S.O. 1945—In pursuance of sub rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 15th July, 1963.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. and Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
1	2	3	4	5
1	IS : 444 	Water Delivery Hose	IS : 444-1953 Specification for Water Delivery Hose.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2) the number designation of the Indian standard being super-scribed on the top side of the monogram as indicated in the design.

1	2	3	4	5
2	IS : 446 IS:446 	Air Hose for Pneumatic Tools.	IS : 446-1953 Specification for Air Hose for Pneumatic Tools.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17 : 2]

S.O. 1946.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Water Delivery Hose and Air Hose Tar Pneumatic Tools, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th July, 1963.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Water Delivery Hose	IS : 444-1953 Specification for Water Delivery Hose.	One metre	2nP per unit with a minimum of Rs. 500.00 for production during a calendar year.
2	Air Hose for Pneumatic Tools.	IS : 446-1953 Specification for Air Hose for Pneumatic Tools.	One metre.	2 nP per unit with a minimum of Rs. 500.00 for production during a calendar year.

[No. MD/18:2].

New Delhi, the 4th July 1963

S.O. 1947.—In partial modification of the rate of marking fee for Antifriction Bearing Alloys, notified in the Schedule annexed to the Ministry of Commerce & Industry (Indian Standards Institution) Notification No. S.O. 880 dated the 12th April, 1961, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 22nd April 1961, the Indian Standards Institution hereby notifies that the marking fee per unit for Antifriction Bearing Alloys, details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1st July 1963.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Antifriction Bearing Alloys.	IS:25-1961 Specification for Antifriction Bearing Alloys (<i>Revised</i>).	One Metric Tonne.	Rs. 10.00 per unit with a minimum of Rs. 500.00 for production during a calendar year.

[No. MD/18:2]

Sd/- S. K. SEN,

Head of the Certification Marks Division.

DEPARTMENT OF ATOMIC ENERGY*Bombay, the 28th June 1963*

S.O. 1948.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy No. S.R.O. 637 dated 28th February, 1957, namely:—

1. In the Schedule to the said notification,—

- (i) in Part II, in respect of the “Posts in the Atomic Energy Establishment Trombay,” for the entry “Assistant Controller (Personnel) Atomic Energy Establishment Trombay” in columns 2 and 3, the entry “Head, Personnel Division, Atomic Energy Establishment Trombay” shall be substituted;
- (ii) in Part III, in respect of the “Posts in the Atomic Energy Establishment Trombay”,—
 - (a) for the entry “Personnel Administration Officer, Atomic Energy Establishment Trombay” in columns 2 and 3, the entry “Establishment Officer, Atomic Energy Establishment Trombay” shall be substituted;
 - (b) for the entry “Assistant Controller (Personnel) Atomic Energy Establishment Trombay” in column 5, the entry “Head, Personnel Division, Atomic Energy Establishment Trombay” shall be substituted.

2. In this notification, in rule 1—

- (i) item (i), and clause (b) of item (ii), shall be deemed to have come into force with effect from 26th October, 1962; and
- (ii) clause (a) of item (ii), shall be deemed to have come into force with effect from 1st November, 1962.

[No. 32(3)/55-Adm.]

R. C. SHARMA, Dy. Secy.

MINISTRY OF FOOD & AGRICULTURE**(Department of Food)***New Delhi, the 2nd July 1963*

S.O. 1949.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Himachal Pradesh Forest Department, (Deputy Director of Fisheries) Recruitment Rules, 1963, namely:—

(1) These rules may be called the Himachal Pradesh Forest Department (Deputy Director of Fisheries) Recruitment (Amendment) Rules, 1963.

(2) In the Schedule to Himachal Pradesh Forest Department (Deputy Director of Fisheries) Recruitment Rules, 1963—

- (i) in the heading, the words “and Deputy Warder shall be omitted;
- (ii) for the entry in column 4 the following entry shall be substituted, namely:—

“Rs. 350—40—750—EB—40—950—50—1200”

[No. F.43-6/63-FY(D).]

C. R. SRINIVASAN, Under Secy.

(Department of Agriculture)*New Delhi, the 3rd June 1963*

S.O. 1950—In exercise of the powers conferred by the proviso of article 309 of the Constitution, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-Gazetted Class II and III posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 358, dated the 4th February, 1959, namely :—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Fifth Amendment Rules, 1963.

2. In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959,

(i) under Class III Non-gazetted posts, for item 17 and the entries relating thereto, the following item and entries shall be substituted, namely :—

1	2	3	4	5	6	7
"17. Junior Accountant (Fertiliser).	Six	General Central Service Class III Ministerial Non-Gazetted)	Rs. 180—10— 290—EB— 15—380— EB—15— 440.	Not applicable	Between 22—27 years.	<i>Essential :</i> 1. Degree of a recognised University in Commerce, Arts or Science. 2. At least 3 years experience in accounts work.

[No. 3-11/63-E. IV]

V. P. L. TEJPAL Under Secy.

(Department of Agriculture)

New Delhi, the 4th July 1963

S.O. 1951.—In pursuance of clauses (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937, the Central Government hereby prescribes the following charges for affixing Agmark labels on the containers of the oil of vetiver (khus) and on the containers of the oil of vetiver roots (cultivated), namely:—

“Re. 1.00 for every 10 kg. of oil of vetiver (khus) or oil of vetiver roots (cultivated), graded under Agmark.”

[No. F. 16-1/63-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(I.C.A.R.)

New Delhi, the 1st July 1963

S.O. 1952.—Whereas it appears to the Central Government to be necessary and expedient so to do for securing the equitable distribution of an essential commodity, namely Coal:—

Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that every person who owns or manages a cotton ginning or pressing factory shall on or before the 31st July, 1963, submit to the Secretary, Indian Central Cotton Committee, 14, Nicol Road, Ballard Estate, Bombay-1, a statement in the form in the schedule appended hereto containing true and accurate information relating to matters mentioned therein. Applications received after the above date are not likely to be considered.

SCHEDULE

(Information to be furnished by Ginning and Pressing Factories. Factories which do not intend to work during 1963-64 season must clearly mention so at the top of this form.)

1. (a) Full name and postal address of the factory.
(b) Press Mark (in the case of a pressing factory).
2. Name of the railway station at which the factory normally receives coal and the name of the railway on which the station is situated.
3. (a) Normal date of commencement and date of finishing of work in the factory.
(b) The period during which the factory actually worked during 1962-63 season.
4. Quantity of cotton ginned (by steam power only) in the factory in terms of *bojas* of 180 kgs. of lint each during 1961-62 season.
5. Quantity of cotton ginned (by steam power only) in the factory in terms of *bojas* of 180 kgs. of lint each during 1962-63 season.
6. Number of bales of raw cotton pressed (by steam power only) in the factory during 1961-62 season.
7. Number of bales of raw cotton pressed (by steam power only) in the factory during 1962-63 season.
8. Type of power plant installed in the factory (State whether steam, producer gas, diesel or electric. Give details for gin and press separately).
9. Total number of gins installed in the factory. (State whether single, double roller or saw gins.)
10. Total number of gins which will work in 1963-64 season by—
(a) Steam power.
(b) Other than steam power.

11. Number of half presses installed in the factory.
12. Number of full presses installed in the factory.
13. (a) Tonnes of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1961-62.
(b) Average monthly consumption of coal in tonnes during the above season.
14. Tonnes of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1961-62.
15. Quantity of coal in metric tonnes held in stock by the factory at the commencement of the 1962-63 season.
16. (a) Tonnes of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1962-63 (i.e. from 1st September 1962 to the date of making this application).
(b) Average monthly consumption of coal in tonnes during the above season.
17. Tonnes of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1962-63 (i.e. from 1st September 1962 to the date of making this application).
18. Quantity of coal that the Secretary, Indian Central Cotton Committee, Bombay recommended for—
 - (1) The period May to December, 1962.
 - (2) For the calendar year 1963.
19. Quantity of coal sanctioned by the Deputy Coal Controller (Distribution), Calcutta,
 - (1) for the period May to December, 1962.
 - (2) for the period January to June, 1963.
 - (3) for the period July to December, 1963. (Give number and date of sanctions.)
20. (a) Total quantity of coal actually received by the factory as a result of items 18 and 19 above during the 1962-63 season (i.e. 1st September, 1962 till the date of making this application).
(b) Average monthly receipt of coal in tonnes during the above season.
(c) Name/s of coal field/s from which the above supply of coal was drawn.
21. Stock of coal in tonnes held by the factory at the end of the year 1962.
22. Tonnes of coal, if any, purchases by the factory from the market during the 1962-63 season in addition to the quantity shown against item 20.
23. Tonnes of coal held in stock by the factory as on the date of making this application.
24. Tonnes of firewood or fuel other than coal held in stock on the date of making this application.
25. Estimated quantity of cotton (in bales of lint) expected to be ginned and/or pressed from 1st January to 31st December, 1964.
26. Estimated quantity of coal in tonnes excluding the stocks of fuel shown against items 23 and 27 required by the factory during the calendar year 1964.
27. Tonnes of coal and/or firewood not in possession of the factory but in which the factory has any lien or interest on the date of this application.
28. If the factory is a member of any pool, name and address of the Secretary of the pool may be given here.

29. Whether the factory was silent during 1962-63 season. If silent owing to pool, please give name and postal address of the Pool Secretary

- NOTE (a) FACTORIES WHICH WERE SILENT IN THE 1962-63 SEASON SHOULD PRODUCE A CERTIFICATE IN ORIGINAL FROM A LOCAL GOVERNMENT GAZETTED OFFICER TO THE EFFECT THAT THE FACTORY WILL WORK DURING THE 1963-64 SEASON, WHICH SHOULD INDICATE ALSO HIS OPINION REGARDING THE ESTIMATED OUTPUT (GINNING AND PRESSING OF COTTON SEPARATELY) OF THE FACTORY
- (b) OUTPUT AND CONSUMPTION FIGURES SHOULD INVARIABLY BE GIVEN IN THE UNIT PRESCRIBED HEREIN.
- (c) APPLICATION SHOULD BE COMPLETE IN EVERY RESPECT. INCOMPLETE INFORMATION MAY ENTAIL DELAY IN ISSUE OF PERMITS

I declare that the Factory is not receiving supplies of coal under any other priority classes or under recommendation from any other recommending authorities for the purpose for which the coal quota has now been applied for

Signature of Factory Manager
or Proprietor

Date

NOTES —

1 In respect of figures of stocks of fuel (*vide* items 23 and 24 above) it is essential that not only stocks in possession of the factory should be shown but also any stocks that it may have a lien on/or that may be held by any of the partner or sister concerns should be shown with details.

2 Change of proprietorship of the factory must be intimated to the Secretary, Indian Central Cotton Committee, Bombay, immediately the change is made

3 In case the factory does not require coal after the application has been made or the recommendation has been issued, the factory must telegraphically intimate to that effect to the Secretary, Indian Central Cotton Committee, Bombay-1. In the meantime, any coal, which happens to be despatched to the factory should be taken delivery of by the factory without delay and kept in its possession pending disposal instruction. Should a factory which has applied for the coal fail to take delivery in time, the demurrage charges and other expenses incurred on that account shall be borne by the factory.

[No. 1-32/63-Com III]

N. K. DUTTA, Under Secy

MINISTRY OF HEALTH

New Delhi, the 1st July, 1963

S.O. 1953.—The following draft of rules further to amend the Drugs Rules, 1945, with the Central Government, after consultation with the Drugs Technical Advisory Board, propose to make, in exercise of powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st October, 1963

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government

DRAFT RULES

1. These rules may be called the Drugs (Amendment) Rules, 1963.

2. In the Drugs Rules, 1945, after rule 43A of the Drugs Rules, 1945, the following rule shall be inserted namely:—

“43B. Drugs, consignments of which are in transit through India to foreign countries and which shall not be sold or distributed in India shall be exempted from the requirements of Chapter III of the Drugs Act, 1940 (23 of 1940) and the rules made thereunder:

Provided that if the Government of the countries to which the drugs are consigned regulate their import by the grant of licences, the importer shall at the time of import into India, produce such import licences.”

[No. F.1-4/61-D.]

BASHESHAR NATH, Under Secy.

ORDER

New Delhi, the 5th July 1963

S.O. 1954.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-14/59-MI, dated the 30th March, 1960 made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification “M.D.” granted by the Baylor University, U.S.A. for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Maynard Scaman, who possesses the said qualification, continues to work in the Evangelical Alliance Mission Hospital, Chinchpada, District Dhulia, Maharashtra, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the time to which the medical practice of the said Dr. Maynard Scaman shall be limited.

[No. F. 16-6/63-MI (MPT).]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 3rd July 1963

S.O. 1955.—In exercise of the powers conferred by sub-section (1) of section 8 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government establishes with effect from the 20th May, 1963, an office of the Mercantile Marine Department at the port of Bedi Bunder (Jamnagar).

[No. 81-MA(I)/63.]

JASWANT SINGH, Under Secy.

(Department of Transport)

(Transport Wing)

New Delhi, the 6th July 1963

S.O. 1956.—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints Shri T. S. Parasuraman, Government Director on the Board of Directors of Indian Shipping Companies, Bombay, as a member of the Shipping Development Fund Committee in place of Shri R. G. Abbhi, and makes the following further amendments in the notification of the Government of India in the

Ministry of Transport and Communications (Department of Transport) No. 33-MS(222)/58-II, dated the 17th March, 1959, namely:—

In the said notification—

(i) the words “with effect from the same date” shall be omitted and shall be deemed always to have been omitted;

(ii) for item (iii), the following item shall be substituted, namely:—

“(iii) Shri T. S. Parasuraman, Government Director on the Board of Directors of Indian Shipping Companies, Bombay.”

[No. 35-MD(2)/63.]

B. P. SRIVASTAVA, Dy. Secy.

(Department of Transport)

(Transport Wing)

LIGHTHOUSES & LIGHTSHIPS

New Delhi, the 8th July 1963

S.O. 1957.—In exercise of the powers conferred by clause (c) of section 2 of the Indian Lighthouse Act, 1927 (17 of 1927), the Central Government hereby declares the lighthouse at Nagapattinam in the Madras State to be a general lighthouse for the purposes of the said Act, with effect from the 1st August, 1963.

[No. 20-ML(3)/58.]

J. V. DASS, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 4th July 1963

S.O. 1958.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890, (9 of 1890) read with the notification of the Government of India in the Department of Commerce and Industry No. 801 dated the 24th March, 1905, the Railway Board hereby makes the following rules to further amend the rules relating to the Bombay Port Trust Railway, published with the notification of the late Railway Department (Railway Board) No. 24 T. 16 dated the 16th October, 1923, as amended by the notification of the Ministry of Railways (Railway Board) No. 721 T.G. dated 19th February, 1952, namely:—

In the said rules, under the heading “Demurrage on wagons”:—

(1) in rule (f), for the words “nine working hours” the words “five working hours” shall be substituted.

(2) for the words “Good Friday” and “Christmas Day” wherever they occur, the words “Independence Day” and “Republic Day” respectively shall be substituted.

2. This notification shall come into force on 16th August, 1963.

[No. TCIII/3036/63 BPTR.]

P. C. MATHEW, Secy.

MINISTRY OF WORKS, HOUSING AND REHABILITATION

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 6th July 1963

S.O. 1959.—In exercise of the powers conferred by Sub-Section (i) of Section 8 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Maharashtra, Gujrat,

Andhra Pradesh, Madras, Mysore and Kerala, Shri N. M. Shah, Managing Officer in the Office of Regional Settlement Commissioner, Bombay as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 7(45)ARG/60.]

New Delhi, the 8th July 1963

S.O. 1960.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the Union territory of Delhi, Shri P. C. Soti, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Delhi as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act, with effect from the 27th May, 1963.

[No. 8(238)ARG/62.]

S.O. 1961.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the Union Territory of Delhi, Shri S. S. Govilla, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Delhi as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act, with immediate effect.

[No. 10(9)/54-Admn(R) Vol. II.]

S.O. 1962.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri P. C. Soti, Assistant Settlement Officer, in the office of the Regional Settlement Commissioner, Delhi as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the 4th May, 1963.

[No. 8(236)ARG/62.]

KANWAR BAHADUR,

Settlement Commissioner (A) & *Ex-Officio*

Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd July 1963

S.O. 1963.—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1950, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th August 1963.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1963.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959,—

(i) for sub-clause (2) of clause 15, the following sub-clause shall be substituted, namely:—

“(2) Dock Workers registered under the Scheme shall be classified into—

(a) Dock Foreman.

(b) Tindal.

- (c) Winchman.
- (d) Signalman-cum-Tipper.
- (e) Leading Mazdoor.
- (f) Stevedore Mazdoor.
- (g) Tally Clerk”;

(ii) for clause 29, the following clause shall be substituted, namely:—

“29. *Filling up of Casual Vacancies*:—Casual vacancy in the monthly and reserve Pool registers for the category of Tindal, Winchman and Signalman-cum-Tipper shall be filled by rotational booking amongst panelled workers of these categories in that shift. The resultant vacancy in the category of Stevedore Mazdoor shall be filled by a worker included in a sub-pool worker by rotational booking”; and

(iii) for item (2) of Schedule I, the following item shall be substituted, namely:—

“(2) The following categories of stevedore workers:—

- (a) Deck Foreman.
- (b) Tindal.
- (c) Winchman.
- (d) Signalman-cum-Tipper.
- (e) Leading Mazdoor.
- (f) Stevedore Mazdoor.
- (g) Tally Clerk.”

[No. 4526/20/62-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 4th July 1963

S.O. 1964.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act, from Shri Iswardin son of Shankar, fitter helper, and Shri Samitinjoy son of Nishi Kanta Sirkar C/o Post Office Jhagrakhand Colliery, District Surguja, Madhya Pradesh, which was received by the Central Government on the 28th June 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a Complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947).

COMPLAINT NO. 19 OF 1962.

(arising out of Reference Nos. 39 of 1961 and 73 of 1961).

PARTIES:

1. Iswardin s/o Shankar, Fitter Helper; 2. Samitinjoy s/o Nishi Kanta Sirkar c/o P.O. Jhagrakhand Colliery, Dt. Surguja, Madhya Pradesh—*Complainants.*

Vs.

Manager, Jhagrakhand Colliery, P.O. Jhagrakhand Colliery, Distt. Surguja, M.P.—*Opposite Party.*

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Complainants.—No appearance.

For the Opposite party.—Shri G. R. Bhandari, Chief Welfare Officer.

STATE: Madhya Pradesh.

INDUSTRY: Coal

Camp : Bombay, dated the 24th April, 1963.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947, made by two workmen, namely, Iswardin and Samitinjoy, on 12th June, 1962 in Reference Nos. 39 and 73 of 1961, complaining against the action of the management in dismissing Iswardin with effect from 2nd September, 1961 and in keeping under suspension Samitinjoy from 14th April, 1961.

2. In response to the usual notice issued by this Tribunal, the opposite party filed its written statement on 6th July, 1962, in which it said *inter alia* that the complaint of Complainant No. 1, Iswardin, under Section 33A of the Act, had already been disposed of by this Tribunal and an award given on 3rd March, 1962 which was published in the Gazette of India on 31st March, 1962, and, therefore, the present complaint of Complainant No. 1 (Iswardin) was not maintainable. It is, however, not necessary to mention the defence of the management with regard to Complainant No. 2, (Samitinjoy) because he has already withdrawn his complaint as mentioned below.

3. On 25th December, 1962 the Complainant No. 2 (Samitinjoy) made an application dated 16th December, 1962, which was received by this Tribunal on 25th December, 1962, praying for permission to withdraw his complaint and on this petition the Tribunal on 14th February, 1963 permitted the Complainant No. 2 to withdraw his complaint, and, accordingly, his complaint stood withdrawn in terms of his petition of withdrawal.

4. On 14th February, 1963 the Tribunal further ordered that as Iswar Din, Complainant No. 1, had not withdrawn his complaint, it will proceed in the usual course, and, accordingly, it was fixed for hearing at Bombay on 23rd April 1963, when it was adjourned till today, i.e. 24th April 1963, for hearing.

5. Yesterday on 23rd April 1963 as well as today on 24th April, 1963 neither the Complainant No. 1, Iswar Din, has appeared nor any Union has appeared to represent the workman concerned, nor, has any step been taken by him to proceed with the case. In these circumstances, the complaint of Iswar Din was taken up for hearing *ex-parte* in his absence. It may be mentioned that the management, however, was represented by Shri G. R. Bhandari, Chief Welfare Officer of the Company.

6. In view of the fact that the complainant has not appeared nor any Union has appeared to press this complaint, the complaint can easily be dismissed for non-prosecution, but, instead of doing so, I am dismissing it on the preliminary objection raised, on behalf of the management, that the present complaint is not maintainable, firstly, because his previous complaint was disposed of on a compromise between the parties and was withdrawn on 3rd March, 1962, and, *secondly*, because the complainant is not a workman concerned within the meaning of Section 33 of the Act, either in the dispute in Reference No. 39 of 1961 or Reference No. 73 of 1961. I will deal with these objections separately.

Application No. 3 of 1962

7. Iswar Din, Complainant No. 1, filed a Complaint in Reference No. 73 of 1961, along with nine others, in 1962, and the said Complaint was numbered as Application No. 3 of 1962. Iswar Din, the present Complainant No. 1, was Complainant No. 10 in that case. On 28th February, 1962, both the parties, namely, the ten complainants in that case and the present company opposite party filed a compromise petition, in which, with regard to Iswar Din, who was Complainant No. 10 in that Complaint, it was stated by the Union that it withdraws the application as it is not maintainable under Section 33A, because his dismissal took place on 29th August, 1961, prior to the date of the reference by Government on 25th September, 1961, in Reference No. 73 of 1961; but the Union will be at liberty to pursue such other legal remedies as may be open to Iswardin. My predecessor, Sri Salim M. Merchant, passed an award on 3rd March, 1962, dismissing the Application No. 3 of 1962 in terms of the said compromise, which

was marked Annexure 'A' and made a part of his award. This award was published in the Gazette of India on 31st March, 1962, at page 872. It may be mentioned here that Iswar Din was actually dismissed on 29th August, 1961, but the letter of dismissal was served on him on 2nd September, 1961. On these facts, it is clear that Complainant No. 1 Iswar Din cannot now make a fresh Complaint in respect of the same cause of action, namely, his same dismissal, by simply adding Reference No. 39 of 1961 also to Reference No. 73 of 1961. When it was admitted by the Union in the petition of compromise Annexure 'A' to the award dated 3rd March, 1962, in Application No. 3 of 1962, above mentioned, that the complaint made in Reference No. 73 of 1961 was not maintainable, because his dismissal took place on 29th August, 1961, whereas the reference in Reference No. 73 of 1961 was made by the Government of India subsequent thereto on 25th September, 1961, I cannot understand how the present complaint in respect of the same dismissal can be maintainable simply by adding a new Reference No. 39 of 1961. For these reasons, it must be held that the present complaint is not maintainable and accordingly it is dismissed.

8. It will further appear, as I will show just now, that the Complainant, Iswardin, cannot be considered to be a workman concerned within the meaning of Section 33 of the Act either in Reference No. 39 of 1961 or Reference No. 73 of 1961, and, therefore, on this ground also the present complaint under Section 33A is not at all maintainable.

Reference No. 39 of 1961.

9. On 6th June, 1955 a reference, which was numbered as Reference No. 11 of 1955, was made by the Government of India to this Tribunal for adjudication of the following industrial dispute:

"Are the workmen of the Jhagrakhand Collieries, who were not entitled to any increase in wages under Para 1 of the Notification issued by the Korca State Government, dated the 15th November, 1947, entitled to any increase in wages in accordance with paragraph 2 thereof and if so, to what extent and from which date such increase should be allowed."

An award in the said reference was made by Sri P. S. Bindra on 14th February, 1956, which was published in the Gazette of India on 17th March, 1956.

10. Subsequently, a doubt arose as to the correct interpretation of the aforesaid award. The Central Government accordingly on 1st June, 1961, under Section 36A of the Act referred the question regarding which a doubt had arisen as to its correct interpretation and the said question was specified in the schedule annexed to the reference, which was numbered as Reference No. 39 of 1961, and the said question referred to was as below:

"Whether the award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jhagrakhand Collieries and their workmen is applicable to the daily-rated workers."

The said reference was disposed of on compromise between the parties, and an award was made on 19th March, 1963, in terms of the said compromise.

11. With regard to Reference No. 39 of 1961, there are two points which may be mentioned:

First, that in view of the recent decision of the Patna High Court in M.J.C. 21 of 1961 in the case of Management of Sendra Bansjora Colliery Co. Private Ltd. and Sri Shantilal M. Bhatt and another, dated 6th February, 1963, a reference under Section 36A of the Act is not an industrial dispute within the meaning of the Act, and, therefore, on this view it must be held that the complaint under Section 33A filed now in Reference No. 39 of 1961 which was under Section 36A is not maintainable.

Secondly, the present complaint is by an individual worker, Iswar Din, who was Fitter Helper in the Colliery and the only question for determination on his complaint is whether his dismissal was justified and legal. But the dispute in Reference No. 39 of 1961 was whether the award of this Tribunal made in Reference No. 11 of 1955, referred to before, was applicable to the daily rated workers. In this view, I do not think that the complainant, Iswar Din, can be said to be a workman concerned in the dispute in Reference No. 39 of 1961, and, therefore, the present complaint on this ground also is not maintainable.

For these reasons, I hold that the complaint of Iswar Din in Reference No. 39 of 1961 is not maintainable.

Reference No. 73 of 1961.

12. With regard to Reference No. 73 of 1961, apart from the fact that Application No. 3 of 1962, made in Reference No. 39 of 1961, was withdrawn and compromised and was disposed of by this Tribunal on 3rd March, 1962, and, therefore, a fresh complaint on the same cause of action was not maintainable, it appears that the complainant, Iswar Din, cannot be said to be a workman concerned in the dispute in Reference No. 73 of 1961. Reference No. 73 of 1961 was made under Section 10(1)(d) of the Act to this Tribunal by the Central Government for adjudication of the following industrial dispute between the employers in relation to Jhagrakhand Collieries and their workmen:

"Whether consequent on the award of the Industrial Tribunal, Dhanbad, published in the Notification of Government of India in the late Ministry of Labour No. S.R.O. 655, dated the 5th March, 1956 (i.e. Reference No. 11 of 1955), in the Gazette of India, Part II, Section 3, dated the 17th March, 1956, granting increase in wages of the workmen of the Jhagrakhand Collieries, the workmen are also entitled to a proportionate increase in Dearness Allowance and Bonus?"

The said reference was disposed of and an award was made on 20th June, 1962. It will thus appear that this Reference No. 73 of 1961 was made on 25th September, 1961, about a month after the dismissal of the workman concerned on 29th August, 1961, with effect from 2nd September, 1961. It is manifest, therefore, that at the time of dismissal of the complainant, Iswar Din, Reference No. 73 of 1961 was not at all pending and that is the reason why the Union, representing this complainant, Iswar Din, in the previous Application No. 3 of 1962, admitted that the complaint of Iswar Din was not maintainable. Moreover, it will appear that the complainant, Iswar Din, cannot be considered to be a workman concerned in the dispute in Reference No. 73 of 1961, in which also the present complaint has been made now, and, therefore, he cannot get any protection by simply mentioning Reference No. 73 of 1961, and also taking aid of Reference No. 39 of 1961. I may mention that it was not *bona fide* on the part of the complainant to conceal the fact that on a previous occasion also, in respect of the same dismissal, he made a complaint in Reference No. 73 of 1961, which was withdrawn by the Union representing him.

13. For these reasons, in my opinion, the complaint of Iswar Din is not maintainable and accordingly it is dismissed as not maintainable. The complainant did not appear obviously because he knew his real legal position. There will be no order for costs in favour of the management. This is my award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer.

[No. 4/38/61-LRII.]

S.O. 1965.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 508, dated the 8th February, 1962, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 17th February, 1962, namely:—

Amendments

In the Table appended to the said notification, for serial No. 8 and the entries against it under columns 2 and 3, the following serial Nos. and entries shall be substituted, namely:—

Sl.No.	Designation of Officer	Jurisdiction
"8.	Superintendent of Labour, Arrah	Shahabad District in the state of Bihar.
8A.	Superintendent of Labour, Gaya	Gaya District in the State of Bihar."

[No. 22/23/63-LRII.]

ORDERS

New Delhi, the 2nd July 1963

S.O. 1966.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the 6 and 7 Pits Jamadoba Colliery owned by Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Dukhiram, Timber Mistry, by the management of 6 and 7 Pits Jamadoba Colliery owned by Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (District Dhanbad), with effect from the 23rd January, 1963, was justified. If not, to what relief is he entitled?

[No. 2/25/63-LRII.]

New Delhi, the 4th July 1963

S.O. 1967.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bolani Ores Iron Mine of Messrs Bolani Ores Limited, Barbil, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri I. C. Mishra, M.A., B.L., as the Presiding Officer, thereof with headquarters at Bhubaneswar, Orissa, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether Sarvashri V. K. Joseph and Dara Singh, Shovel Operators employed in the Bolani Ores Iron Mine, were discriminated by the management in not granting double increment to them for the year 1961 while other shovel operators were given double increments for the same year. If so, what relief the workmen are entitled to.

[No. 23/15/63-LRII.]

New Delhi, the 6th July 1963

S.O. 1968.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Indra Singh and Sons and their workmen employed in West Chirimiri Colliery, Post Office Chirimiri in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the West Chirimiri Colliery of Messrs Indra Singh and Sons is justified in allowing different standards of leave facilities to the various categories of workmen working in the Colliery. If not, to what relief are the workmen entitled?

[No. 1/15/62-LRII.]

P. R. NAYAR, Under Secy.

MINISTRY OF MINES AND FUEL

New Delhi, the 28th June 1963

S.O. 1969.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/76/62
DATED : 31-10-1962.

Sl. No.	Name of area	District	Area	Remarks
I.	Unsurveyed area	GARO HILLS	Part	
			Total area: 22,221.00 acres (Approx.) OR 8,999.51 Hectares (Approx.)	

Boundary description:

A-B line starts from the junction point of Latitude 25°-30'-00" and Longitude 90°-40'-00" and goes towards South along the Longitude line of 90°-40'-00" for a certain distance within the Latitude 25°-25'-00" and 25°-30'-00" and meets at point 'B'.

B-C-D-E line starts at point 'B' on the Longitude line 90°-40'-00" and goes towards south eastern corner for a certain distance and meets at point 'E' on the latitude line 25°-25'-00" between the Longitude 90°-40'-00" and 90°-45'-00".

E-F line starts at point 'E' on the Latitude line 25°-25'-00" goes straight towards East along the Latitude line 25°-25'-00" for a certain distance and meets at point 'F' on the common boundary of GARO HILLS district and UNITED K-J HILLS district.

F-G line starts at point 'F' on the common boundary of GARO HILLS district and UNITED K-J HILLS district and passes along the same common boundary towards north and meets at point 'G' on the Latitude line 25°-30'-00" between the longitude 90°-45'-00" and 90°-50'-00".

G-H line starts at point 'G' on the common boundary of GARO HILLS and K-J HILLS district at Latitude 25°-30'-00" then goes towards west for a certain distance along the latitude line 25°-30'-00" and meets at point 'H' on the same Latitude between the Longitude 90°-45'-00" and 90°-50'-00".

H-I line starts at point 'H' on the Latitude line 25°-30'-00" then goes towards South Western corner for a distance and meets at point 'I' on the Longitude line 90°-45'-00" between the Latitude 25°-30'-00" and 25°-25'-00".

I-J line starts at point 'I' on the Longitude line 90°-45'-00" and goes towards North Western corner for a certain distance and meets at point 'J' on the Latitude line 25°-30'-00" between the Longitude 90°-40'-00" and 90°-45'-00".

J-A line starts at point 'J' on the Latitude line 25°-30'-00" and goes towards west for a certain distance along the same Latitudes and meets at point 'A' on the junction point of Latitude 25°-30'-00" and Longitude 90°-40'-00".

NOTE.—All the part and full villages, Nalas, Rivers, hills, etc. contained within the latitude 25°-25'-00" and 25°-30'-00" and Longitude 90°-40'-00" and 90°-50'-00" bounded by serial "A" to "J" and "J" to "A" as indicated in the plan enclosed herewith.

The plans of this area can be inspected at the Office of the Collector, Garo Hills district or at the Office of the National Coal Development Corporation Limited (Revenue Section) "Darbhanga House", Ranchi (Bihar).

[No. C2-26(1)/63.]

New Delhi, the 3rd July 1963

S.O. 1970.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/50/63,
Dated 5-5-1963.

REVENUE SURVEY

Sl. No.	Village	Thana & Sub-Divn.	Thana No.	Pargana	Distt.	Area	Remarks
1.	Barjharan	Angul	5 62	Khambaklinga	Dhenkanal		Full
2.	Bethianali	"	4 63	"	"		"
3.	Natada	"	3 64	"	"		"
4.	Ambapal	"	1 65	"	"		"

Total Area : 2896.68 Acres (Approx.)
Or 1173.16 Hectares (Approx.).

Boundary Description:

A—B line passes along the Southern boundary of village Ambapal part Western boundary of village Natada and Western boundary of village Barjharan and meets at point 'B'.

B—C line passes along the Southern boundary of village Barjharan and meets at point 'C'.

C—A line passes along the Eastern boundary of village Barjharan, Eastern boundary of village Bethianali, Northern boundary of village Natada, Northern and Western boundary of village Ambapal (which is the part common boundary of Sub-division Angul and Sub-division Talcher and meets at point 'A').

The map of the area can be inspected at the Office of the Collector, Dhenkanal or at the Office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi.

[No. C2-21(4)/63.]

New Delhi, the 4th July 1963

S.O. 1971.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/97/62,
Dated 26-12-1962.

CHORDHARA (EXTN.)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Chordhara	Ramgarh	55	Hazaribagh		Part
Total area 25.90 acres (Approx.) Or 10.49 Hectares (Approx.)						

Boundary Description:

- A—B line passes through village Chordhara [which is also the part common boundary of Mining right area of Chordhara Block notified U/S 9(1)] and meets at point 'B'.
- B—C line passes through village Chordhara and meets at point 'C'.
- C—D line passes along the part Right bank of River Damodar and meets at point 'D'.
- D—A line passes through village Chordhara [which is also the part common boundary of Mining right area of Chordhara Block notified U/S 9(1)] and meets at point 'A'.

The maps of this area can be inspected at the Office of the National Coal Development Corporation Ltd. (Revenue Section), "Darbhanga House", Ranchi or at the Office of the Deputy Commissioner, Hazaribagh.

[No. C2-20(15)/63.]

S.O. 1972.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/11/63,
Dated 22-1-1963.

RANIGANJ BLOCK—7.

Sl. No.	Village	P.S.	Village No.	District	Area	Remarks
1.	Katagaria .	Jamuria	34	Burdwan		Full
2.	Bijpur .	"	35	"		"
3.	Balanpur .	"	36	"		"
4.	Bala .	"	38	"		"
5.	Hijalgara .	"	40	"		Part
6.	Bijohnagar .	"	49	"		"
7.	Dhasna .	"	50	"		"
8.	Mamudpur .	"	51	"		"
9.	Sartakpur .	"	52	"		"
10.	Tapasi .	"	53	"		"
11.	Kunustara .	"	54	"		"
12.	Dhasata .	"	56	"		"
13.	Bahadurpur .	"	57	"		"
Total area :—4192.25 Acres (Approx.) Or 1697.86 Hectares (Approx.).						

Boundary Description:

- A—B line passes along the part western boundary of village Hijalgara, common boundary of villages Sekpur and Hijalgara, Sekpur and Ikra, along the Western boundary of village Ikra and meets at point 'B'.
- B—C line passes along the Western boundary of villages Balanpur, Bijpur and Katagaria and meets at point 'C'.
- C—D line passes along the Southern boundary of village Katagaria, along part of the Southern boundary of village Kunustara and meets at point 'D' (which is the part common boundary of P.S. Jamuria and Raniganj).
- D—E line passes along the Eastern boundary of Road through villages Kunustara and Tapasi and meets at point 'E'.

- E—F line passes through village Tapasi and along part of the common boundary of villages Bijpur and Tapasi and meets at point 'F'.
- F—G line passes along the part northern boundary of village Tapasi, through villages Sarthakpur and Dhasata, along the part common boundary of villages Jote Janaki and Dhasata and meets at point 'G'.
- G—H line passes through villages Dhasata, Bhadurpur, Bijjoynagar and Hijalgara and meets at point 'H'.
- H—A line passes through village Hijalgara and meets at point 'A'.
- I—J—K lines pass along the part common boundary of villages Ikra and Mamudpur, through village Mamudpur and meets at point 'K'.
- K—L line passes through village Dhasata and meets at point 'L'.
- L—I line passes through village Dhasna, along the part common boundary of villages Dhasna and Mamudpur, common boundary of villages Ikra and Mamudpur and meets at point 'I'.

The map of the area can be inspected at the Office of the Collector, Burdwan (West Bengal) or at the Office of the National Coal Development Corporation Ltd. (Revenue Section), "Darbhanga House", Ranchi.

[No. C2-24(1)/63.]

S.O. 1973.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/38/62.
Dated 19-5-1963.

LOIYO BLOCK—EXTN.

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Rahawan .	Gumia	20	Hazaribagh		Part
2.	Baghraiya .	"	30	"		"
3.	Danea .	"	32	"		"
4.	Lalgarh .	"	33	"		"
5.	Dakasaram .	"	34	"		"
6.	Tilaiva .	"	35	"		"
7.	Jagesar .	"	36	"		"
8.	Loiyo .	Mandu	162	"		"
Total area :—2592.00 Acres (Approx.) Or 1050.17 Hectares (Approx.).						

Boundary Description:

- A—B line passes through villages Rahawan, Baghraya, of thana Gumia, through village Loiyo of thana Mandu and through village Danea of thana Gumia and meets at point 'B'.
- B—C line passes through villages Danea, Lalgarh and Dakasaram of thana Gumia and meets at point 'C'.
- C—D line passes through village Dakasaram of thana Gumia (along the part western boundary of the Railway) and meets at point 'D'.
- D—E line passes through villages Dakasaram, Tilaiva, and Jagesar of thana Gumia and through village Loiyo of thana Mandu and meets at point 'E'.

- E—F line passes through village Loiyo of thana Mandu (goes upto left bank of Bokaro Nadi) and meets at point 'F'.
- F—G line passes along the part left bank of Bokaro Nadi and meets at point 'G'.
- G—G1 line passes through village Loiyo of thana Mandu (i.e. through Bokaro Nadi upto its right bank) and meets at point 'G1'.
- G1—H line passes along the right bank of Bokaro Nadi (i.e. through village Loiyo of thana Mandu) and meets at point 'H'.
- H—H1 line passes along the right bank of Bokaro Nadi (i.e. through village Loiyo of thana Mandu and Tilaiya of thana Gumia) and meets at point 'H1'.
- H1—I line passes along the left bank of Chutua Nadi (i.e. through village Danea of thana Gumia) and meets at point 'I'.
- I—J line passes along part common boundary of village Loiyo of thana Mandu and village Danea of thana Gumia and meets at point 'J'.
- J—K—K1 line passes through village Loiyo of thana Mandu and meets at point 'K1'.
- K1—L line passes through village Rahawan of thana Gumia and meets at point 'L'.
- L—A line passes through village Rahawan of thana Gumia and meets at point 'A'.

The maps of the area can be inspected at the Office of the National Coal, Development Corporation Ltd. (Revenue Section), "Darbhanga House", Ranchi or in the Office of the Deputy Commissioner, Hazaribagh (Bihar).

[No. C2-20(36)/62.]

New Delhi, the 8th July 1963

S.O. 1974.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drawing No. Rev/56/63.

Dated 30-5-1963.

Central JHARIA. Block—'B'

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Manidi	Jharia	85	Dhanbad		Part
2.	Garbhudih	"	80	"		"
3.	Bardubhi	"	92	"		"
4.	Baludih	"	93	"		"
5.	Dubrajpur	"	94	"		"
6.	Jatudih	"	104	"		"

Total area : 275.00 Acres (Approx.)
Or 111.38 Hectares (Approx.)

Boundary Description :

A—B line passes along the part Central line of Bansjhar nala and meets at point 'B'.

B—C line passes through Bansjhar nala in village Garbhudih and through villages Garbhudih, Manidi, Dubrajpur, Baludih and meets at point 'C'.

C—D line passes through villages Bardubhi and Jatudih and meets at point 'D'.

D—A line passes through villages Jatudih, Baludih, Dubrajpur, Manidi, Garbhudih and through Bansjhar Nala in village Garbhudih and meets at point 'A' (which is the part common boundary of Central Jharia Block—Extension notified under section 4(1) S.O. No. 1133 dated 10th April, 1963).

The maps of the area can be inspected at the Office of the National Coal Development Corporation Limited (Revenue Section) "Darbhanga House, Ranchi or in the Office of the Collector, Dhanbad.

[No. C2-20(16)/63.]

S.O. 1975.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now therefore in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/21/63.

Dated 5th February, 1963.

BLOCK PUNDI EXTENSION

(Pundi Extension Block-I)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Bongahara	Mandu	120	Hazaribagh		Part
2.	Duni	"	119	"		Part
3.	Pokharia	"	1121	"		Part
4.	Kuju	"	154	"		Part
5.	Hesagara	"	122	"		Part

Total area : 1140.00 acres (Approx.)
Or 461.70 Hectares (Approx.).

Boundary Description:

A—B line passes along the part common boundary of villages Hesagara and Bongahara and meets at point B.

B—C line passes through village Hesagara and meets at point C.

C—D line passes through villages Hesagara and Kuju and meets at point 'D'.

D—E line passes through village Kuju and meets at point E.

E—F line passes through villages Kuju and Pokharia and meets at point F.

F—G line passes through village Pokharia and meets at point G.

G—H line passes along the part common boundary of villages Ara and Pokharia and meets at point H.

H—I line passes along the common boundary of villages Ara and Bongahara and meets at point I.

I—J line passes along the part common boundary of villages Ara and Duni and meets at point J.

J—K line passes through village Duni and meets at point K.

K—L line passes through village Duni (Along the part left bank of Bokare Nadi) and meets at point L.

L—A line passes through villages Duni and Bongahara and meets at point A.

BLOCK—MANDU
(Pundi Extension Block-II)

Drg. No. Rev/18/63.
Dated 25-1-1963.

SCHEDULE

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Mandu	Mandu	114	Hazaribagh		Part
						Total area : 430.00 area (Approx.) Or 174.15 Hectares (approx.)

Boundary Description:

- A—B line passes through village Mandu and meets at point B.
B—C line passes through village Mandu and meets at point C.
C—A line passes through village Mandu and meets at point A.

The maps of the areas can be inspected at the office of the Collector, Hazaribagh (Bihar) or at the office of the National Coal Development Corpn. Limited (Revenue Section) "Darbhanga House" Ranchi.

[No. C2-20(32)/62.]

ERRATA

New Delhi, the 28th June 1963

S.O. 1976.—In the Schedule to the Notification of the Government of India, in the Ministry of Mines and Fuel, S.O. No. 1017, dated the 30th March, 1963, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 6th April, 1963, at pages 1117 to 1120:

At page 1119—

in the third line for "Jahariong, Darbabera" read "Jhariong, Darhabera".

At page 1120—

(i) in the sixth line for "771(P), 776(P), 776" read "771(P), 776."

(ii) in the thirtysixth line for "712, 705" read "712, 713, 705".

[No. C2-20(6)/63.]

New Delhi, the 5th July 1963

S.O. 1977.—In the Schedule to the Notification of the Government of India in the Ministry of Mines and Fuel S.O. 718 dated the 12th March, 1963 published in the part II Section-3, Sub-section (ii) of the Gazette of India dated the 24th March, 1963 at page 853:

in the first line for 'Duhichuwa' read 'Dudhichuwa'.

[No. 25(1)/63-62.]

New Delhi, the 6th July 1963

S.O. 1978.—In the Schedule to the Notification of the Government of India in the Ministry of Mines and Fuel S.O. 1426 dated the 14th May 1963 published in Part II Section 3, Sub-section (ii) of the Gazette of India dated the 25th May, 1963 at pages 1574 to 1575.

At page 1575—

(i) in lines three and four for "Mukhpitmai Pipratanr (Mukpitmai Piprated) read "Mukhpltomai Piprat (Mukpitomai Pipratad)"

(ii) in line fifteen for "454(P), (P)" read "454(P)",

(iii) in line forty-one for "Mukhpitmai Pipratanr" read "Mukhpitmai Pipratanr".

(iv) in line forty-nine for "Mukhpitmai Pipratanr" read "Mukhpltomai Pipratanr".

[No. C2-20(9)/61.]

N. LAKSHMAN RAU, Dy. Secy.

New Delhi, the 2nd July 1963

S.O. 1979.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification object to the laying of the pipelines under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17, in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—West Bengal; Distt. Burdwan;

Thana—Ausgram

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Ko a Chandipur, J.L. 80	1613	•16	Kota Chandipur, J.L. 80	1890	•01
	1751	•15		1891	•08
	1752	•01		1892	•01
	1753	•11		1895	•17
	1754	•01		1899	•02
	1755	•005		1900	•05
	1766	•57		1902	•18
	1767	•005		1903	•18
	1768	•09		1925	•39
	1769	•07		1930	•12
	1771	•19		1931	•005
	1772	•17		1932	•14
	1779	•13		1939	•13
	1808	•13		1940	•01
	1809	•10		1941	•10
	1810	•17		1942	•10
	1812	•13		1943	•10
	1814	•35		2402	•005
	1815	•12		2404	•01
	1816	•005		2405	•03
	1817	•04		5131	•16
	1819	•31		5139	•15
	1839	•11		5147	•06
	1840	•25		5149	•17
	1844	•005		5150	•07
	1845	•12		5158	•09
	1846	•04		5256	•15
	1847	•01		5257	•04
	1848	•005		5258	•03
	1849	•19		5259	•17
	1850	•08		5260	•27
	1851	•05		5278	•13
	1878	•42		5279	•04
	1879	•10		5280	•10
				5290	•005

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kota Chandpur J. L. 80	5292	005	Pondali. J.L. 77.	2827	09
	5293	13		2828	02
	5294	11		2853	47
	5295	32		2854	11
	5296	005		2855	07
	5340	02		2863	06
	5341	09		2865	01
	5342	10		2866	06
	5343	12		2867	07
	5344	13		2868	20
	5359	13		2869	06
	5453	04		2870	27
	5454	04		2871	02
	5455	26		2872	06
	5456	27		2873	03
	5458	13		2874	10
	5459	03		2875	02
	5463	13		2876	09
	5464	02		2890	05
	5465	02		3033	005
	5466	15		3034	06
	5468	15		3040	33
	5478	02		3041	03
	5708	13		3042	37
	5710	11		3068	12
	5711	29		3069	05
	5712	05		3078	07
	5721	35		3079	25
	5727	02		3080	09
	5741	35		3081	08
	5742	05		3082	07
	5743	03		3083	06
	5747	005		3084	12
	5752	49		3085	02
	5753	20		3090	20
	6041	005		3092	005
Dharala. J.L. 78	318	21		3093	09
	322	25		3094	15
	323	02		3450	13
	324	23		3578	12
Pondali. J. L. 77.	1112	02	Sonai, J.L. 77.	3579	12
	1113	005		3584	005
	1118	02		3586	005
	1119	02		3587	10
	1125	20		3588	16
	1141	09		3590	11
	1142	12		3597	005
	1145	06		3598	16
	1146	10		3599	005
	1151	01		3619	13
	2763	04		3627	21
	2764	08		1555	03
	2765	10		1556	21
	2769	10		1571	14
	2770	13		1572	18
	2771	05		1573	20
	2777	08		1644	13
	2778	10		1645	16
	2779	10		1646	04
	2780	06		1647	10
	2781	19		1648	12
	2785	19		1650	01
	2786	20		1651	37
	2787	08		1652	13
	2800	05		1663	06

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Sonai, J.L.73	1664	·07	Soni, J.L.73.	2416	·14
	1665	·22		2417	·005
	1666	·02		2418	·10
	2041	·14		2419	·27
	2047	·25		2421	·12
	2071	·07		2455	·005
	2072	·12		2458	·005
	2073	·06		2459	·20
	2074	·01		2460	·01
	2075	·16		2461	·12
	2076	·01		2462	·06
	2077	·14		2464	·08
	2078	·05		2465	·09
	2079	·005		2474	·01
	2082	·05		2475	·22
	2083	·06		2476	·005
	2356	·005		2477	·09
	2357	·11		2478	·09
	2359	·02		2481	·08
	2360	·06		2482	·23
	2415	·09			

[No. 31/33/63-ONG.]

S.O. 1980.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2 Now, therefore, in exercise of the powers conferred by sub-section (1) and section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification object to the laying of the pipelines under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State..West Bengal; Dist Burdwan;

Thana—Ranigunj

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Banshra, J.L.20	1	·08	Banshra J. L. 20	599	·18
		·05		600	·05
	6	·25		608	·005
	7	·11		609	·07
	568	·005		611	·10
	570	·27		612	·10
	576	·09		641	·134
	594	·13		727	·25
	596	·04		728	·13
	597	·11		729	·06
	598	·12		730	·08

Village	Survey No. (Plot No)	Extent (Area)	Village	Survey No. (Plot No)	Extent (Area)
Banshra, J.L. 20	735	·15	Sonachora, J.L. 21	115	·18
	736	·43		383	·37
	738	·005		384	·20
	740	·19		389	·57
Mangalpur, J.L. 22	167	2·83		390	·05
	170	·05		391	·01
	174	·03		395	·28
	182	·06		407	·18
	184	·23		409	·04
	186	·01		423	·33
	187	·10		424	·05
	191	·16		425	·09
	192	·04		426	·19
	193	·02		430	·005
	194	·10			
	199	·10			
	293	·24			

[No. F. 31/33/63-ONG-I.]

B. SUBBA RAO, Under Secy.

